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MONTANA LEGISLATIVE HISTORY

Chapter 43 1999

Bill H _____ SB 133 Original bill & history ✓ C

H. Committee on Transportation			S. Committee on Highways & Transportation		
Hearing Date(s)	2/05	___C	Hearing Date(s)	1/21	___C
	ex 2/10	___C		ex 1/26	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

4/10	Returned from Enrolling		
4/12	Signed by President		
4/13	Signed by Speaker		
4/13	Transmitted to Governor		
4/16	Signed by Governor		
4/16	Chapter Number Assigned		
	Chapter Number 316		
	Effective Date: 1/01/2000 - All Sections		

SB 133 Introduced by Mohl, et al. *LC0017 Drafter: Lane*

Enhance the Public Safety on Montana Roadways by Imposing Speed Limits on Federal-aid Interstate and Other Public Highways of the State;...

By Request of Governor & Department of Justice

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Highways and Transportation		
1/04	Fiscal Note Requested		
1/09	Fiscal Note Received		
1/11	Fiscal Note Signed		
1/11	Fiscal Note Printed		
1/21	Hearing		
1/27	Committee Executive Action--Bill Passed as Amended	10	1
1/28	Committee Report--Bill Passed as Amended		
1/30	2nd Reading Passed as Amended	43	2
2/01	3rd Reading Passed	48	2
	Transmitted to House		
2/01	Referred to Transportation		
2/05	Hearing		
2/11	Committee Executive Action--Bill Concurred as Amended	11	7
2/11	Committee Report--Bill Concurred as Amended		
2/15	2nd Reading Concurred	73	27
2/16	3rd Reading Concurred	73	27
	Returned to Senate with Amendments		
2/22	2nd Reading House Amendments Concurred	40	8
2/23	3rd Reading Passed as Amended by House	42	8
2/23	Sent to Enrolling		
2/23	Returned from Enrolling		
2/23	Signed by President		
2/23	Signed by Speaker		
2/23	Transmitted to Governor		
2/24	Signed by Governor		
3/02	Chapter Number Assigned		
	Chapter Number 43		
	Effective Date: 5/28/1999 - All Sections		

SB 134 Introduced by Mahlum *LC0605 Drafter: Lane*

Revise Laws Relating to School Trustees;...

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Education and Cultural Resources		
1/04	Fiscal Note Requested		

SENATE BILL NO. 133

INTRODUCED BY MOHL A

BY REQUEST OF THE GOVERNOR AND THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT ENHANCING THE PUBLIC SAFETY ON MONTANA ROADWAYS BY IMPOSING SPEED LIMITS ON FEDERAL-AID INTERSTATE AND OTHER PUBLIC HIGHWAYS OF THE STATE; ELIMINATING THE FUEL CONSERVATION SPEED LIMIT; INCREASING NIGHTTIME SPEED LIMITS; ESTABLISHING A PENALTY SCHEDULE AND PROVIDING MISDEMEANOR PENALTIES FOR VIOLATIONS; PROVIDING THAT CERTAIN VIOLATIONS DO NOT COUNT AGAINST A DRIVER'S RECORD AND CANNOT BE USED TO INCREASE INSURANCE PREMIUMS; INCREASING TRUCK SPEED LIMITS; CHANGING THE METHOD BY WHICH TRUCKS ARE RATED FOR SPEED LIMIT PURPOSES; ELIMINATING THE SPECIAL SPEED LIMIT ON A VEHICLE TOWING A HOUSETRAILER; AMENDING SECTIONS 7-14-2113, 61-8-303, 61-8-309, 61-8-310, 61-8-312, 61-9-415, AND 61-11-203, MCA; AND REPEALING SECTIONS 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, AND 61-11-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2113, MCA, is amended to read:

"**7-14-2113. County authority to establish speed limits.** A board of county commissioners may, by ordinance, establish a special speed limit in accordance with ~~61-8-306 and~~ 61-8-310 on any county road."

Section 2. Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions -- basic rule.** (1) A person ~~operating or driving~~ shall operate a vehicle ~~of any character on a public highway of this state shall drive the vehicle~~ in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, ~~condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead~~ visibility, weather, and roadway conditions. ~~The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of~~

~~a person entitled to the use of the street or highway.~~

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in [section 3] and this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of ~~the following limits~~ 25 miles an hour in an urban district is unlawful:

~~(a) 25 miles per hour in an urban district;~~

~~(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour~~.

~~(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.~~

~~(4)~~(3) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition.~~"

NEW SECTION. **Section 3. Speed limits -- exception to basic rule.** (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the speed limit for vehicles traveling on:

(a) a federal-aid interstate highway or a four-lane divided highway is 75 miles an hour at all times;

(b) any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) A speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303(1).

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

NEW SECTION. **Section 4. Penalty for violation of speed limits -- no record for certain violations.** (1) Subject to subsection (2), a person violating the speed limit imposed pursuant to [section 3] is guilty

of a misdemeanor and shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
$25	1 - 10
40	11 - 20
70	21 - 30
100	31+

(2) A violation of a speed limit imposed pursuant to [section 3] may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(a) 10 miles an hour during the daytime; or

(b) 5 miles an hour during the nighttime.

Section 5. Section 61-8-309, MCA, is amended to read:

"**61-8-309. Establishment of special speed zones.** (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or [section 3] is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and

traffic investigations for local governments. The list ~~must be completed by October 1, 1997, and~~ must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a statewide speed limit."

Section 6. Section 61-8-310, MCA, is amended to read:

"**61-8-310. When local authorities may and shall alter limits.** (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303, ~~and~~ 61-8-309 through 61-8-313, and [section 3] is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 55 miles ~~per~~ an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than 15 miles ~~per~~ an hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 or [section 3] for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

Section 7. Section 61-8-312, MCA, is amended to read:

"**61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles~~, and vehicles towing housetrailers~~.** (1) ~~A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000 pounds, at a speed greater than 65 miles an hour~~ Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on ~~those~~ completed sections of interstate and four-lane divided highways and ~~60 miles an hour~~ on ~~those~~ completed sections of primary and secondary highways is 70 miles an hour during the daytime and 65 miles an hour during the nighttime as those terms are defined in [section 3]. ~~However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.~~

(2) ~~A person may not operate~~ Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) ~~at a speed greater than 55~~ is 65 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

~~(4) A person may not operate a vehicle that is towing a housetrailer at a speed greater than a~~

~~maximum of 50 miles an hour.~~"

Section 8. Section 61-9-415, MCA, is amended to read:

"**61-9-415. Slow-moving vehicles.** (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2) ~~of this section~~. The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction, and must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway, and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 or [section 3] does not have a clear lane for passing as required by 61-8-325 the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle."

Section 9. Section 61-11-203, MCA, is amended to read:

"**61-11-203. Definitions.** As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle ~~which~~ that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (2)(k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in [section 4(2)], 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle."

NEW SECTION. **Section 10. Relationship between speed limits and basic rule.** (1) The maximum numerical speed limits imposed under this part do not authorize speeds higher than those required for the careful and prudent operation of a vehicle as required by 61-8-303(1).

(2) The basic rule imposed by 61-8-303(1), requiring careful and prudent operation of a vehicle, does not authorize speeds higher than those established by the maximum numerical speed limits imposed under this part.

NEW SECTION. **Section 11. Codification instruction.** (1) [Sections 3 and 10] are intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [sections 3 and 10].

(2) [Section 4] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 4].

NEW SECTION. **Section 12. Repealer.** Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed.

- END -

FISCAL NOTE

Bill #: SB0133 **Title:** Numerical daytime speed limit

Primary Sponsor: Arnie Mohl **Status:** As introduced

Sponsor signature — Date: 1-11-99

Dave Lewis, Budget Director — Date: 1-8-99

Fiscal Summary

	FY2000 Difference	FY2001 Difference
Expenditures:		
General Fund	$41,345	$35,739
State Special Revenue	1,448,667	57,249
Revenue:		
General Fund	$520,991	$694,655
Net Impact on General Fund Balance:	**$479,646**	**$658,916**

Yes	No		Yes	No	
X		Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

Fiscal Analysis

ASSUMPTIONS:

Department of Justice (DOJ)

1. Montana Highway Patrol (MHP) issued an estimated 5,492 basic rule citations in 1998, for approximately $384,440 in fines.
2. MHP assumes that the new basic rule language in the proposed speed limit bill will be acceptable to the Supreme Court. Therefore, that tool will still be used for vehicle crash enforcement.
3. It is estimated that 40,000 citations will be issued each year by MHP and an additional 5,000 by other local law enforcement agencies. Approximately 27,000 (40,000 + 5,000 = 45,000 x 60% = 27,000) will be for $25 violations of not more than 10 miles per hour over the speed limit and would not be recorded or

SB 133

charged against a driver's record. Therefore, it is estimated that 18,000 additional/new citations will be recorded annually on drivers' records due to passage of this bill. (45,000 – 27,000 = 18,000 additional citations)

Note: the costs below relate to the Motor Vehicle Division in the Department of Justice. MHP will not incur additional costs due to the bill.

4. An FTE can enter one citation in four minutes: approximately 18,000 citations are expected if this bill passes: therefore 0.58 FTE will be required to enter the citations on the drivers records.
   (18,000 citations x 4 minutes / 60 minutes per hour = 1,200 hours / 2080hrs per FTE = 0.58 FTE)
5. Based upon historical data, approximately 5% of all citations entered on drivers' record result in a driver improvement action (warning letter or suspension/revocation of driving privileges). Therefore, it is estimated that passage of this bill will add 900 new driver improvement actions to the existing workload.
   (45,000 – 27,000 = 18,000 x 5% = 900 new driver improvement actions annually)
6. An FTE can process 850 driver improvement actions each year, an estimated 900 new driver improvement actions per year will result from passage of this bill, thus 1.06 FTE is required. Therefore, 0.80 FTE will be necessary in FY 2000 (due to October 1, 1999 effective date) and 1.06 FTE in FY 2001 to process driver improvement actions.
   (900 new actions / 850 actions per year per FTE = 1.06 FTE)
7. It will be necessary to contract for programming with an outside vendor since DOJ programming staff is committed to complying with Y2K needs. One-time expenses for programming changes are projected to cost $6,300 (84 hours x $75/hr = $6,300) plus $1,411 for increased computer processing charges generated during programming and system testing, or a total of $7,711 during FY 2000.
8. Increased annual operating expenses (including network attachment, mainframe computer processing costs, and supplies) are estimated at $2,709. Additional one-time operating costs (new employee office packages, new PSD, and new mainframe connections x 2) are estimated at $6,150 for FY 2000.
9. If the bill passes as introduced:
   a. It is estimated that 45,000 citations will be issued each year (40,000 by MHP and 5,000 by other local law enforcement agencies). Based on the penalty section of the bill, revenue generated will be:
      1. 27,000 or 60% will be for $25 violations of 1-10 miles per hour over the speed limit for revenue of $675,000.
      2. 13,500 or 30% will be for $40 violations of 11-20 miles per hour over the speed limit for revenue of $540,000.
      3. 3,375 or 7.5% will be for $70 violations of 21-30 miles per hour over the speed limit for revenue of $236,250.
      4. 1,125 or 2.5% will be for $100 violations of 31+ miles per hour over the speed limit for revenue of $112,500.
      5. Total annual revenue from penalty section is estimated to be $1,563,750.
   b. It is assumed that the dollar amount for Basic Rule citations will revert back previous to December 8, 1995 level of $210,000.

      Basic Rule 1998 of $384,440 minus basic rule 1995 of $210,000 = 174,440 reduction.

   c. Therefore, based on (a) and (b), estimated revenue of $1,563,750 less the reduction of basic rule of $174,440 results in estimated new revenue of $1,389,310 per year.

d. 50% of the revenue generated goes to local governments and 50% goes to the state general fund.

$1,389,310 total estimated new revenue x 50% = $694,655 new state general fund revenue

10. Due to the October 1, 1999, effective date of this bill, revenues and all expenses other than one-time costs will be reduced by 25% during FY 2000.

Department of Transportation (DOT)

11. All signing would be in conformance with Montana Uniform Traffic Control Devices (MUTCD) as adopted by the DOT.
12. The costs are estimated assuming that the work will be accomplished by contract through the construction or maintenance programs. Current staffing will be able to handle the additional contract workload.
13. Current single post sign is insufficient to carry all of the proposed signing requirements on the interstate and multi-lane primaries and an additional sign and post will be required.
14. If this bill is passed, as introduced, it will necessitate the removal and replacement of approximately 1,512 current speed signs to properly sign the day time speed limit:

Interstate	470 - Speed Limit Signs	94 - Supports	94 - Breakaways
Multi-lane Primary	120 - Speed Limit Signs	120 - Supports	120 - Breakaways
Primary	430 - Speed Limit Signs	430 - Supports	
Secondary - State Maint.	450 - Speed Limit Signs	450 - Supports	
Signs at Boarder Crossings	42 - Speed Limit Signs	84 - Supports	84 – Breakaways

15. If this bill is passed, as introduced, it will necessitate the placement of 590 additional signs and posts to properly sign the truck night speed limit.

Interstate	470 - Speed Limit Signs	470 - Supports	470 - Breakaways
Multi-lane Primary	120 - Speed Limit Signs	120 - Supports	120 – Breakaways

16. The removal and replacement of current signs and additional signs, supports, and breakaway bases are not budgeted in the program base.
17. In addition to the above, additional step down signs may be required and have been included in the cost estimate.
18. No costs are included for any signing that may be required on county roads.

FISCAL IMPACT:

Department of Justice	FY2000 Difference	FY2001 Difference
FTE	1.23	1.64
Expenditures:		
Personal Services	$24,775	$33,030
Operating Expenses	16,570	2,709
TOTAL	$41,345	$35,739
Funding:		
General Fund (01)	$41,345	$35,739
Revenues:		
General Fund (01)	$520,991	$694,655

Net Impact to Fund Balance (Revenue minus Expenditure):		
General Fund (01)	$479,646	$658,916

Department of Transportation

Expenditures:

Personal Services	$ 28,138	
Operating Expenses	1,420,529	57,249
TOTAL	$1,448,667	$57,249
Funding:		
State Special Revenue (02)	$1,448,667	$57,249

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Department of Justice

Local governments will receive 50% or $694,655 of the $1,389,310 new revenues generated.

Department of Transportation

Unknown – depends on the number of speed limit signs the counties may have to install to meet the intent of the legislation.

SB 133 SPONSOR: Mohl, Arnie SHORT TITLE: Numerical daytime speed limit
BY REQUEST OF: Governor
BY REQUEST OF: Department Of Justice
REFERRED ON: 01/04/1999 HEARD ON: 01/21/1999
EXECUTIVE ACTION: 01/27/1999 Bill Passed as Amended -- VOTE: 10 - 1
FINAL DISPOSITION 03/02/1999 Chapter Number Assigned

SB 137 SPONSOR: Franklin, Eve SHORT TITLE: Amend statutes relevant to veterans' license plates bill
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 01/04/1999 HEARD ON: 01/26/1999
EXECUTIVE ACTION: 02/12/1999 Bill Passed as Amended -- VOTE: 11 - 0
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

SB 138 SPONSOR: Franklin, Eve SHORT TITLE: Submit fee for legion of valor license plates to electorate
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 01/04/1999 HEARD ON: 01/26/1999
TABLED ON: 02/12/1999
FINAL DISPOSITION 03/31/1999 (S) Missed Deadline for Revenue Bill Transmittal

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SB 139 SPONSOR: Franklin, Eve SHORT TITLE: Submitting $10 fee for certain veterans' license plates fees to electorate
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 01/04/1999 HEARD ON: 01/26/1999
EXECUTIVE ACTION: 02/12/1999 Bill Passed -- VOTE: 8 - 3
FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee

SB 145 SPONSOR: Mahlum, Dale SHORT TITLE: Revise outdoor advertising penalty procedure
BY REQUEST OF: Department Of Transportation
REFERRED ON: 01/04/1999 HEARD ON: 01/28/1999
TABLED ON: 02/03/1999
FINAL DISPOSITION 03/01/1999 (S) Missed Deadline for General Bill Transmittal

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SB 149 SPONSOR: Mohl, Arnie SHORT TITLE: Revise highway speed limits
REFERRED ON: 01/05/1999 HEARD ON: 01/19/1999
TABLED ON: 02/12/1999
FINAL DISPOSITION 03/01/1999 (S) Missed Deadline for General Bill Transmittal

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SENATE

HIGHWAYS AND TRANSPORTATION

CHAIR: Mohl, Arnie **VICE CHAIR: Holden, Ric**

MEMBERS:

Cole, Mack	**DePratu, Bob**
Hertel, John	**Jabs, Reiny**
Jergeson, Greg	**Roush, Glenn**
Shea, Debbie	**Stang, Spook**
Toews, Daryl	

SECRETARY: Olson, Phoebe

LEGISLATIVE STAFF: Erickson, Connie

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on January 21, 1999 at 3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:
Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 71, 1/21/1999; SB 89, 1/21/1999; SB 133, 1/21/1999
Executive Action: SB 71; SB 35; SB 78; SB 94

The exhibits refered to are not on the 1999 House Disk
Please check with the State Historical Society

collect the signs up from the Department to put up. **Marv Dye** replied traditionally the signs are recycled if possible. He didn't think the department could participate in the signs beyond salvage.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3:31}

SENATOR STANG said he didn't believe the visitor information center in Broadus is a state visitor information center because it is not a state-funded center. It is probably a center put on by the local Chamber of Commerce or the local community. If it is a state center it is not on the list approved by the Department of Commerce. The signs would go to the seven state centers that are approved by the Department of Commerce. He stated the money is not in the Bed Tax bill to fund the signs and the bill would have to be reformatted to do so. They are using some Department of Commerce money to design the signs. He believed it is an appropriate use of gas tax money to fund the signs and it is the Highway Departments responsibility to erect them. He hopes the committee will give the bill a favorable recommendation.

HEARING ON SB 133

Sponsor: **SENATOR ARNIE MOHL, SD 39, Kalispell**

Proponents: **Colonel Craig Reap, Montana Highway Patrol**
Marv Dye, Department of Transportation
Tom Daubert, Montana Traffic Education Association
Tom Harrison, Montana AAA
Bob Anderson, Montana Sheriffs' and Peace Officers' Association
Margo Lincoln, Alternative Energy Resources Organization
Stanley Lund, Reserve, MT
Beda Lovitt, MMA
Joe Mazurek, Attorney General

Opponents: **Paul Lambert, Montana Motor Carriers Association**
Brian Cavey, Montana Motor Carriers Association
Larry Barton, Watkins & Shepard Trucking, Inc.
Ron Ashabranen, State Farm Insurance

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3:35}

SENATOR ARNIE MOHL, SD 39, Kalispell, stated SB 133 was requested by the Department, the Governor's Office and the Department of Justice. He went on that SB 149 covers Highway 93 and establishes a speed limit of 65mph and it restricts the speed around the urban areas on the interstate to 65mph that was not on SB 133. He also stated the two bills will be merged together and if a bill is passed by the committee it will be SB 133. There are no signatures on SB 133 but there is a roster and a list of about 35 Senators that have signed on the bill.

Proponents' Testimony:

Colonel Craig Reap, Chief of Highway Patrol, submitted written testimony, **EXHIBIT(4)** and **EXHIBIT(5)**.

Marv Dye, representing Governor Racicot and Department of Transportation, stated the bill provides reasonable and enforceable numerical speed limits for vehicle travel on Montana highways. The Governor sees this as a critical issue for passage in this legislative session.

Tom Daubert, Montana Traffic Education Association, supports numerical speed limit bills. The association believes numerical speed limits will make a great difference in safety for first time drivers and the safety of all others.

Tom Harrison, Montana AAA, stated AAA has a national policy favoring the adoption of numerical speed limits and encouraged the committee to pass SB 133.

Bob Anderson, Montana Sheriffs and Peace Officers Association, said the association supports SB 133 and they have no problems with the differences with SB 149. They support the merging of the two bills.

Margo Lincoln, Alternative Energy Resources Organization, submitted written testimony, **EXHIBIT(6)**.

Stanley Lund, Reserve, MT, said in order to save lives the state needs a speed limit. He believed the use of lights on vehicles affects highway safety and in order to reduce highway deaths the state should require drivers to drive with their lights on.

Joe Mazurek, Attorney General, commented he wanted the committee to look at the differences between SB 133 and SB 149. He urged the committee to look at the truck speed limit especially stopping distances. He stated local governments can reduce speed limits near a school zones to 15mph and this raises the speed to 35. He urged the support for SB 133.

{Tape : 1; Side : B; Approx. Time Counter : 3:48}

Opponents' Testimony:

Paul Lambert, President Montana Motor Carriers Association, entered written testimony, **EXHIBIT(7)**.

Larry Barton, Watkins & Shepard Trucking, Inc., submitted written testimony, **EXHIBIT(8)**.

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 4:00}

SENATOR TOEWS asked if Colonel Reap would entertain a higher speed limit when in the act of passing another vehicle. **Colonel Reap** responded that is a violation of the speed limit but the majority of highway patrol officers allow for that depending on the conditions and within reason. He doesn't feel it is a good idea officially or by statute allow for increase speeds while passing. **SENATOR TOEWS** asked how many people have or can be reasonably assumed to have died of driving over the daytime speed limits. **Colonel Reap** replied he had no idea. **SENATOR TOEWS** then asked if Colonel Reap was to take a bill in front of a judge and the judge would not listen to the facts, what he would think of a court system like that. **Colonel Reap** responded he would not think very much of that. **SENATOR TOEWS** replied isn't that what we are doing to the public. The state is saying we need a speed limit to save lives and there are no numbers saying it is true. **Colonel Reap** said he couldn't give a number to the question asked but there is a lot of data showing the number of speed related

crashes have increased. The number of fatalities have increased since the repeal of the speed limit. He maintained fatalities were on a downward trend in Montana before the repeal.

SENATOR JERGESON asked if Colonel Reap has the ability to get studies that bonify the increase in the amount of damage due to speed or increase in the probability of death per person in an automobile at higher speeds. **Colonel Reap** responded there are studies showing higher speed collisions are more damaging than lower speeds.

SENATOR ROUSH asked if Colonel Reap believed by increasing the speed by 10mph on primary highways and nighttime by 5mph and allowing drivers to drive that speed is reasonable and safe to vehicle operators. **Colonel Reap** replied it does give him some concern. There are a lot of different conditions of highways across the state and one number is difficult to set.

SENATOR STANG asked since the Supreme Court threw out the basic rule, what is the first fine somebody is going to get, reckless or careless. **Colonel Reap** replied of the speed related violations left, careless driving would be the minimum and beyond that is reckless which is a very serious offense to prove. **SENATOR STANG** asked how many points did the basic rule carry against the driving record versus the number of points that careless and reckless show against the record. **Colonel Reap** commented basic and careless both carry two points and reckless carries five points. **SENATOR STANG** asked since we don't have basic rule any more if careless points automatically go on the driving record and the insurance company was notified. **Colonel Reap** said that is correct.

SENATOR COLE said Mr. Barton talked about roads not being constructed to take high speeds from trucks on curbs and the dangers. He asked if this is something Marv Dye agrees with. **Marv Dye** stated he thinks the state has a wide variety of roads. There are two lane roads that are 40 feet wide, nice, flat and visibility is forever that trucks are fine on. It is appropriate for some roads and clearly not for others.

SENATOR STANG commented doesn't the provisions in the bill state the Highway Commission can set lower speeds in areas that are dangerous or areas they feel this speed is too high. **Mr. Dye**

responded the section that the Senator was referring to say the Commission can go back and adjust speed zones. He referred to the paragraph ending at 309. They have never interpreted the language to be broad enough to allow them to set a speed limit on a section of road. **SENATOR STANG** asked if the department would be willing to work with the committee to get that language. **Mr. Dye** replied the Chairman of the Commission testified he would be willing to accept that responsibility on those roads after a speed study was done.

SENATOR HERTEL commented SB 133 does not refer to any specific road for a lower limit as SB 149 did. He asked what the department concern is, a good venture or not a good venture. **Mr. Dye** responded the department has sections of Highway 93 that they are improving where higher speed would be appropriate and there are sections not suitable to drive over 60mph. But that is the committee's decision to make. **SENATOR HERTEL** asked are there other roads besides Highway 93 that would also qualify. **Mr. Dye** commented yes for lower speeds such as Highway 16 and Highway 191. There are numbers of roads that would qualify for a lower speed limit.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 4:14}

SENATOR MOHL stated the department has the jurisdiction on the roads in question. The Attorney General agrees with the bill on where they can set it. Highway 93 was set from one end of the state to the other and not by sections which creates speed traps. Once the legislators set the speed it is set until they remove it. If the department sets the speed and the condition change, they can remove the speed limit. He said this is the maximum speed limit not the minimum. Nobody has to drive the speed limit.

{Tape : 1; Side : B; Approx. Time Counter : 4:18; Comments : Tape Stopped}

EXECUTIVE ACTION ON SB 71

{Tape : 1; Side : B; Approx. Time Counter : 4:24}

Motion: **SEN. STANG** moved that **SB 71 DO PASS.**

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on January 26, 1999 at 3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)

Members Excused: Sen. Daryl Toews (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 137 SB 138 SB 139 SB 156 SB 113, 1/19/1999
Executive Action: SB 133

SENATOR MOHL, said he had a real problem with the Department taking on additional responsibilities, with out reflecting them with a fiscal note.

Dean Roberts, reiterated again that all these functions were already performed in the Department. This would make the job easier.

SENATOR MOHL, asked **SENATOR MAHLUM** to double check there would be no fiscal impact.

Closing by Sponsor:

SENATOR MAHLUM, thanked the committee for a good hearing. He addressed some of Senator Holden's concerns, but believed that he might not experience some of the problems in his smaller communities. He gave some examples of problems in Missoula that caused this bill to come forward. He said the bill was designed not to hurt qualified dealers now in existence. He contended the bill protected against unscrupulous salesmen. He believed the industry wanted this legislation to protect the integrity of their industry. He thanked the committee.

{Tape : 2; Side : A; Approx. Time Counter : 444; Comments : Stopped tape for a five minute break.}

EXECUTIVE ACTION ON SB 133

Motion: **SEN. HOLDEN** moved that **SB 133 DO PASS.**

Motion: **SEN. HOLDEN** moved that **AMENDMENT SB013308.ace, by SENATOR MOHL DO PASS. EXHIBIT(5)**

Discussion:

SENATOR MOHL, said this amendment put **SB 149** into **SB 133** so the final bill would be a joint effort between the legislators, the Governor, and Attorney General. He also said this amendment did change the speed in school zones to 15mhp from 35mhp, but that was not in the copy that the committee had.

Connie Erickson, explained the amendment.

SENATOR JERGESON, asked if this amendment was adopted, how the other amendments applied.

SENATOR MOHL, said the bill became **SB 133** and the other amendments would amend **SB 133** and this amendment.

Connie Erickson, stated each of the other amendments would change the bill as amended.

SENATOR JERGESON, asked what the specific changes the amendment accomplished from the way **SB 133** came to the committee.

SENATOR MOHL, stated that **SB 133** did not address the Highway 93 speed limit. Also it did not address the urban areas on the interstate; also some changes in the basic rule.

SENATOR JERGESON, asked if both bills were the same in respect with speed limits for trucks.

SENATOR MOHL, stated both were identical on trucks.

SENATOR STANG, asked if there were any amendments prepared to remove the Highway 93 speed limit and the urban speed limit after this amendment was adopted.

Connie Erickson, replied that there were no such amendments.

Vote: Motion **carried with Jergeson, Shea, and Stang voting no.**

Connie Erickson explained what the amendments by Senator Fred Thomas would do.

Motion: **SEN. HOLDEN** moved that **AMENDMENT SB013302.ACE, BY THOMAS DO PASS. EXHIBIT(6)**

SENATOR STANG, said he would like to segregate the amendments so he could offer a different effective date.

SENATOR MOHL, said the Department brought in a schedule that said they could have the signs up by May 17 if they knew the speed limit by March 15.

SENATOR STANG, said he wanted a May 28 effective date.

SENATOR MOHL, said they wanted to add that amendment in the House because then they would have a better idea when the Governor might sign it.

SENATOR STANG, said he would still like the bill to leave the Senate in the best shape possible.

SENATOR HOLDEN, withdrew his previous motion and he moved that **SECTION 3 AND 4 OF AMENDMENT SB013302.ACE DO PASS.**

SENATOR STANG, clarified that the fine went from $25 to $20 in the daytime, and the night time fine was left alone.

Connie Erickson, agreed that was so.

Vote: Motion **carried 9-2 with Jabs and Stang voting no.**

Motion: **SEN. STANG** moved that **SECTION 1, 2 AND 5 OF AMENDMENT SB 13302.ACE DO PASS.** But he changed the effective date in Section 5 to May 28, 1999.

Vote: Motion **carried 10-1 with Toews voting no.**

Connie Erickson, explained Amendment SB013303.ace., by Senator Toews **EXHIBIT(7).**

Motion: **SEN. TOEWS** moved that **SECTION 1 AND 2 OF AMENDMENT SB013303.ACE, BY TOWES. DO PASS.**

SENATOR TOWES, stated he thought it was interesting that the only scientific thing that was done during this investigation was driving around the state seeing how fast people drive. He said that it should be 80mhp and 75mdp to bring it into compliance with what people were already driving.

SENATOR MOHL, said when he made the study he based it on what he actually thought the cars were driving. He took into consideration the 10 miles an hour over that is allowed without going on one's record.

SENATOR STANG, said he had done a similar study in six different states and he concluded that 75mhp works adequately, but he had some interest in making two lanes 75mhp as well.

Vote: Motion **failed 10-1 with Toews voting yes.**

Motion: **SEN. TOEWS** moved that **SECTION 3 OF AMENDMENT SB013303.ACE, BY TOWES DO PASS.**

SENATOR HOLDEN, said this made good sense, since the Highway Patrol did not all function under the same guidelines.

SENATOR STANG, said he liked the idea, but maybe some parameters on distance should be set.

SENATOR ROUSH, said he liked this concept but had a problem with the words "in order to overtake".

{Tape : 2; Side : B; Approx. Time Counter : 514; Comments : Turn tape over.}

SENATOR JERGESON, said if the limit on the two lanes was 65mhp he could see using the 10mhp over to get around. He didn't think this was a good idea with the suggested speed limit.

SENATOR TOWES, referred back to the word "overtake" and commented that language was there to prevent people from speeding up in the event someone was passing them.

SENATOR MOHL, said he agreed with this and it was a good safety measure.

Vote: Motion **carried 10-1 with Jergeson voting no.**

Motion: **SEN. HOLDEN** moved **AMENDMENT SB013304.ACE, by Holden. EXHIBIT(8)**

SENATOR HOLDEN, explained that this would increase the speed limit on two lanes to 75mhp, he believed this would save a lot of money on signs and make it consistent across the state.

SENATOR JERGESON, said he objected to this amendment because there was a fundamental difference between the interstate and two lane highways. The interstate had controlled access and a division of traffic making it much more efficient for traffic flow.

SENATOR STANG, said 70mhp better served the purpose for safety.

SENATOR HERTEL, said he knew there was concern about the fiscal note but he did not want to explain to his constituents that he kept it at 75mhp because of the cost. He could not support the amendment.

SENATOR JABS, said people had to realize that this was a one time cost.

Vote: Motion **failed 8-3 with DePratu, Holden, and Towes voting aye.**

Motion: SEN. COLE moved that **AMENDMENT SB013305.ACE, BY COLE DO PASS. EXHIBIT(9)**

SENATOR COLE, explained the amendment.

SENATOR SHEA, said she supported this amendment.

SENATOR TOEWS, said part of the argument had merit but he did not feel this was necessary.

SENATOR HOLDEN, asked Dave Galt which size vehicle this applied to. He said there was a real problem in the farming communities. He wondered how they would be affected by this amendment.

Dave Galt, replied that this would apply to vehicles 1 1/2 tons and over.

SENATOR MOHL, commented that during the testimony quite a few people said trucks were driving faster than the cars were at the present time. He said that he agreed to what was in the bill.

SENATOR JABS, asked which line they were talking about.

Connie Erickson, said the amendment left trucks traveling on interstates at 70mhp during the day and 65mhp at night and trucks traveling on secondary highways could only travel 60mhp during the day and 55mhp during the night.

SENATOR STANG, said that this left current law in place on two lane roads.

Connie Erickson, agreed.

SENATOR STANG, said he tried to put truck speeds 10mhp lower than car speeds at one time. He said that one of the arguments used was they did not want a big difference between the speeds of cars and trucks. He said the bill, as amended, the night time speed for cars on Highways would be 65mhp and the day would be 70. He believed a 10mhp between cars and trucks was being created if this amendment passed.

Col. Reap, said there were arguments both ways, he heard and read that the differential was hazardous to the point that traffic is not flowing smoothly, or at a consistent pace. The other side of the argument would be that a differential allows cars to go around a slower moving truck.

SENATOR MOHL, said that when the bill was drafted he believed there was a safety factor involved in passing trucks and that is why he kept the speeds on cars and trucks the same.

SENATOR HOLDEN, added that in his conversations with people in his district, nearly all farmers and ranchers had semi trucks to haul cattle and sheep. He said it was important for them to get to market with those loaded trucks. He believed that they should not be held up at a speed less than cars are allowed to travel. He spoke against the amendment.

SENATOR JERGESON, said he believed that they were ignoring traffic going in the other direction. He said the law of physics could never be changed and speed times mass would equal increased injuries and death in an accident.

SENATOR COLE, said they were only talking about two lane highways.

Vote: Motion **carried 6-5 with Holden, Mohl, De Pratu, Hertel, and Towes voting no.**

Motion: **SEN. HOLDEN** moved that **AMENDMENT SB013306.ACE, by SWYSGOOD DO PASS. EXHIBIT(10)**

SENATOR STANG, asked if this was 75mhp day or night or just day.

SENATOR HOLDEN, day and night.

SENATOR STANG, said he was going to vote for this. He believed that on the interstate it made for smoother flowing traffic.

SENATOR SHEA, said that it was ironic that they were implementing a speed limit and excelerating truck speeds.

SENATOR JABS, asked if the highways were built for these higher speed trucks.

Dave Galt, said he did not know what speed the interstates were designed to handle.

SENATOR JABS, said he would go along with the amendment. He thought the program had worked well in Wyoming.

Vote: Motion **carried 7-4 with Cole, Jergeson, Roush and Shea voting no.**

Motion: **SEN. DEPRATU** moved that **AMENDMENT SB013307.ACE, by DEPRATU DO PASS. EXHIBIT(11).**

SENATOR DEPRATU, explained his amendment.

SENATOR STANG, asked if the commission were to set a lower speed limit if a speed study would have to be conducted.

SENATOR DEPRATU, responded he believed they would.

SENATOR MOHL, said that this came about because the Department thought they were not allowed to set speed limits on segments of highways. This was to clarify that they could set a limit on segments less than 50 miles in length.

SENATOR STANG, stated this could apply to an area of road that had an excessive amount of curves; they would have the ability to set a speed limit.

SENATOR STANG, asked why it was not extended to cover interstate highways.

SENATOR DEPRATU, said that the roads he looked at were mostly in the western part of the state.

SENATOR STANG, asked if brought an amendment to the floor that brought that to interstate highways if he would have support for it.

SENATOR DEPRATU, said he would have to think about it.

Connie Erickson, said she was not sure it didn't already include interstates.

Tim Reardon, stated the commission had never been asked to do that on the interstates. He did not know if there were any prohibition on it.

Vote: Motion **failed 8-3 with Holden, Mohl, and Toews voting aye.**

Connie Erickson, explained that an amendment requested by Senator Grimes was not handed out. She asserted that the amendment imposed a speed limit for trucks more than one ton on Montana route 69, between Boulder and Whitehall. It would limit the speed to 55mhp at all times.

SENATOR STANG, said he would not support the amendment because at one time he was told you could not discriminate on sections of road that had federally funded money on them.

SENATOR TOWES, said that fell within the character of the whole bill and he would vote no.

SENATOR JABS, asked what the limit was now.

SENATOR MOHL, said with the amendment that was just adopted it would be 60mhp.

SENATOR HERTEL, said if they were singling out roads there were others he would like to put in.

Vote: Motion **failed unanimously.**

Motion/Vote: **SEN. HOLDEN** moved that **SB 133 DO PASS AS AMENDED. Motion carried 10-1 with Toews voting no.**

ADJOURNMENT

Adjournment: 5:53 A.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

SENATE HIGHWAYS
EXHIBIT NO. 4
DATE 1-26-99
BILL NO. SB 113

Amendments to SB 113
1st Reading Copy (White)

For the Senate Highways and Transportation Committee

Prepared by Brenda Nordlund
Department of Justice
January 26, 1998

1. Page 5, line 21
Following: "(3)"
Strike: "A"
Insert: "Except as provided in subsection 4(c), a"

2. Page 6, line 6
Following: "61-8-903,"
Strike: the remainder of the line through "part 5," on line 7

3. Page 6, line 8
Following: "term"
Insert: "or pay a fee of $ 300 in addition to the application and license fee required in subsection 3. A renewal applicant licensed as a motor vehicle wrecking facility under Title 75, chapter 10, part 5, is exempt from the minimum retail sales requirements of subsection 4(a), as well the additional renewal or the lower minimum sales requirements of this subsection."

4. Page 6, line 17
Following: "this"
Strike: "section"
Insert: "subsection 4(a)"

5. Page 8, line 6
Following: "governed by"
Strike: "61-4-103"
Insert: "[section 23]"

6. Page 17, line 23
Following: "under"
Strike: "61-4-103 or [section 7]"
Insert: "[sections 7 or 23]"

7. Page 29, line 6

Following: ""~~$25~~"
Strike: "$100"
Insert: "$25"

8. Page 41, lines 3-4
Following: "**Applicability.**"
Strike: "[Sections"
Insert: "(1) Except as provided in subsection (2), sections"

9. Page 41, line 5
Insert: "(2) Subsection (4)(a) and (d) of [section 6] does not apply to used car dealers licensed by the department on or before December 31, 1999."

SENATE HIGHWAYS
EXHIBIT NO. 5
DATE 1-26-99
BILL NO. SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Arnie Mohl

For the Senate Highways and Transportation Committee

Prepared by Connie Erickson
January 26, 1999

1. Title, line 7.
Following: "STATE;"
Insert: "IMPOSING A SPECIAL SPEED LIMIT ON U.S. HIGHWAY 93;"
Following: "LIMITS;"
Insert: "ALTERING THE SPEED LIMITS LOCAL AUTHORITIES CAN SET;"

2. Title, line 11 through line 12.
Following: "PURPOSES;" on line 11
Strike: remainder of line 11 through "HOUSETRAILER;" on line 12

3. Page 1, line 18 through page 8, line 15.
Strike: everything following the enacting clause
Insert: "**Section 1.** Section 7-14-2113, MCA, is amended to read:

"7-14-2113. County authority to establish speed limits. A board of county commissioners may, by ordinance, establish a special speed limit in accordance with ~~61-8-306 and~~ 61-8-310 on any county road.""

Insert: "**Section 2.** Section 61-8-303, MCA, is amended to read:

"61-8-303. Speed restrictions -- basic rule. (1) A person ~~operating or driving~~ shall operate a vehicle ~~of any character on a public highway of this state shall drive the vehicle~~ in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, ~~condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead~~ visibility, weather, and roadway conditions. ~~The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.~~

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in [section 3] and this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of ~~the following limits~~ 25 miles an hour in an urban district is unlawful~~:~~

~~(a) 25 miles per hour in an urban district;~~

~~(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.~~

~~(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.~~

~~(4)~~(3) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition.~~""

Insert: "NEW SECTION. **Section 3. Speed limits -- exception to basic rule.** (1) Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303(1).

(4) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(5) The speed limits set forth in this section may be altered by the commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

Insert: "NEW SECTION. **Section 4. Penalty for violation of speed limits -- no record for certain violations.** (1) Subject to subsection (2), a person violating the speed limit imposed pursuant to [section 3] is guilty of a misdemeanor and shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
$25	1 - 10
40	11 - 20
70	21 - 30

(2) A violation of a speed limit imposed pursuant to [section 3] may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(a) 10 miles an hour during the daytime; or

(b) 5 miles an hour during the nighttime."

Insert: "Section 5. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones. (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or [section 3] is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list ~~must be completed by October 1, 1997, and~~ must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a statewide speed limit.""

Insert: "Section 6. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303, ~~and~~ 61-8-309 through 61-8-313, and [section 3] is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than ~~55~~ 65 miles ~~per~~ an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than ~~15~~ 35 miles ~~per~~ an hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 or [section 3] for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309.""

Insert: "Section 7. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles towing housetrailers. (1) ~~A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000 pounds, at a speed greater than 65 miles an hour~~ Except as provided in 61-8-303, 61-8-309, 61-8-310,

and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on ~~those~~ completed sections of interstate and four-lane divided highways and ~~60 miles an hour~~ on ~~those~~ completed sections of primary and secondary highways is 70 miles an hour during the daytime and 65 miles an hour during the nighttime as those terms are defined in [section 3]. ~~However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.~~

(2) ~~A person may not operate~~ Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) ~~at a speed greater than~~ is ~~55~~ 65 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(4) A person may not operate a vehicle that is towing a housetrailer at a speed greater than a maximum of 50 miles an hour.""

Insert: "Section 8. Section 61-9-415, MCA, is amended to read:

"61-9-415. Slow-moving vehicles. (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road, or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2) ~~of this section~~. The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction, and must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway, and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite

directions, when an overtaking vehicle being operated in conformity with 61-8-303 or [section 3] does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle.""

Insert: "Section 9. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle ~~which~~ that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in [section 4(2)], 3

4

points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle.""

Insert: "NEW SECTION. **Section 10. Relationship between speed limits and basic rule.** (1) The maximum numerical speed limits imposed under this part do not authorize speeds higher than those required for the careful and prudent operation of a vehicle as required by 61-8-303(1).

(2) The basic rule imposed by 61-8-303(1), requiring careful and prudent operation of a vehicle, does not authorize speeds higher than those established by the maximum numerical speed limits imposed under this part."

Insert: "NEW SECTION. **Section 11. Codification instruction.** (1) [Sections 3 and 10] are intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [sections 3 and 10].

(2) [Section 4] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 4]."

Insert: "NEW SECTION. **Section 12. Repealer.** Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed."

- END -

SENATE HIGHWAYS
EXHIBIT NO. 6
DATE 1-26-99
BILL NO. SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Fred Thomas

For the Highways and Transportation Committee

Prepared by Connie Erickson
January 22, 1999

1. Title, line 13.
Following: "MCA;"
Strike: "AND"

2. Title, line 14.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3.
Following: line 3
Insert: "$20 1-10 (daytime)"

4. Page 3, line 4.
Following: "1-10"
Insert: "(nighttime)"

5. Page 8.
Following: line 15
Insert: "NEW SECTION. **Section 13. {standard} Effective date.** [This act] is effective July 1, 1999."

- END -

SENATE HIGHWAYS
EXHIBIT NO. 7
DATE 1-26-99
BILL NO. SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Daryl Toews

For the Highways and Transportation Committee

Prepared by Connie Erickson
January 22, 1999

1. Page 2, line 21.
Strike: "75"
Insert: "80"

2. Page 2, line 22.
Strike: "70"
Insert: "75"

3. Page 2.
Following: line 23
Insert: "(2) A vehicle may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane."
Renumber: subsequent subsections

- END -

SENATE HIGHWAYS
EXHIBIT NO. 8
DATE 1-26-99
BILL NO SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Ric Holden

For the Highways and Transportation Committee

Prepared by Connie Erickson
January 23, 1999

1. Page 2, line 22.
Strike: "70"
Insert: "75"

- END -

SENATE HIGHWAYS
EXHIBIT NO. 9
DATE 1-26-99
BILL NO. SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Mack Cole

For the Highways and Transportation Committee

Prepared by Connie Erickson
January 23, 1999

1. Title, line 10.
Following: "LIMITS"
Insert: "ON CERTAIN HIGHWAYS"

2. Page 5, line 18.
Following: "on"
Insert: ": (a)"

3. Page 5, line 19 through line 20.
Following: "highways" on line 19
Strike: "and" on line 19 through "highways" on line 20

4. Page 5, line 21.
Following: "31"
Insert: "; (b) completed sections of primary and secondary highways is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in [section 3]"

- END -

SENATE HIGHWAYS
EXHIBIT NO. 10
DATE 1.26.99
BILL NO. SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Chuck Swysgood

For the Senate Highways and Transportation Committee

Prepared by Connie Erickson
January 26, 1999

1. Page 5, line 18.
Following: "on"
Insert: ": (a)"
Following: "interstate"
Insert: "is 75 miles an hour;"
Following: "and"
Insert: "(b)"

- END -

SENATE HIGHWAYS
EXHIBIT NO. 11
DATE 1-26-99
BILL NO. SB 133

Amendments to Senate Bill No. 133
1st Reading Copy

Requested by Senator Bob DePratu

For the Senate Highways and Transportation Committee

Prepared by Connie Erickson
January 26, 1999

1. Page 3, line 18.
Strike: "any other part"
Insert: "a segment"
Following: "highway"
Insert: "less than 50 miles in length"

- END -

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL

DATE 1-26-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. ARNIE MOHL, CHAIRMAN	✓		
SEN. RIC HOLDEN, VICE CHAIRMAN	✓		
SEN. MACK COLE	✓		
SEN. BOB DE PRATU	✓		
SEN. JOHN HERTEL	✓		
SEN. REINY JABS	✓		
SEN. GREG JERGESON	✓		
SEN. GLENN ROUSH	✓		
SEN. DEBBIE SHEA	✓		
SEN. SPOOK STANG	✓		
SEN. DARYL TOEWS	✓		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Highways and Transportation** report that **Senate Bill 133** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Arnie Mohl, Chair

And, that such amendments read:

1. Title, line 7.
Following: "STATE;"
Insert: "IMPOSING A SPECIAL SPEED LIMIT ON U.S. HIGHWAY 93;"
Following: "LIMITS;"
Insert: "ALTERING THE SPEED LIMITS LOCAL AUTHORITIES CAN SET;"

2. Title, line 10.
Following: "LIMITS"
Insert: "ON CERTAIN HIGHWAYS"

3. Title, line 11 through line 12.
Following: "PURPOSES;" on line 11
Strike: remainder of line 11 through "HOUSETRAILER;" on line 12

4. Title, line 13.
Following: "MCA"
Strike: "AND"

5. Title, line 14.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

6. Page 1, line 18 through page 8, line 15.

Committee Vote:
Yes 10, No 1.

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Strike: everything following the enacting clause
Insert: "Section 1. Section 7-14-2113, MCA, is amended to read:

"7-14-2113. County authority to establish speed limits. A board of county commissioners may, by ordinance, establish a special speed limit in accordance with ~~61-8-306 and~~ 61-8-310 on any county road.""

Insert: "Section 2. Section 61-8-303, MCA, is amended to read:

"61-8-303. Speed restrictions -- basic rule. (1) A person ~~operating or driving~~ shall operate a vehicle ~~of any character on a public highway of this state shall drive the vehicle~~ in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, ~~condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead~~ visibility, weather, and roadway conditions. ~~The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.~~

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in [section 3] and this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of ~~the following limits~~ 25 miles an hour in an urban district is unlawful~~:~~

~~(a) 25 miles per hour in an urban district;~~

~~(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.~~

~~(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.~~

~~(4)~~(3) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition.~~""

Insert: "NEW SECTION. **Section 3. Speed limits -- exception to basic rule.** (1) Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) A speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303(1).

(5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(6) The speed limits set forth in this section may be altered by the commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

Insert: "NEW SECTION. **Section 4. Penalty for violation of speed limits -- no record for certain violations.** (1) Subject to subsection (2), a person violating the speed limit imposed pursuant to [section 3] is guilty of a misdemeanor and shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
$20	1 - 10 (daytime)
25	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31+

(2) A violation of a speed limit imposed pursuant to [section 3] may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(a) 10 miles an hour during the daytime; or

(b) 5 miles an hour during the nighttime."

Insert: "Section 5. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones. (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or [section 3] is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location~~,~~ or ~~any other part~~ on a segment of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the

department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list ~~must be completed by October 1, 1997, and~~ must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a statewide speed limit.""

Insert: "Section 6. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303, ~~and~~ 61-8-309 through 61-8-313, and [section 3] is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than ~~55~~ 65 miles ~~per~~ an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than ~~15~~ 35 miles ~~per~~ an hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and

traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 or [section 3] for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309.""

Insert: "Section 7. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles towing housetrailers. (1) ~~A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000 pounds, at a speed greater than 65 miles an hour~~ Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

(a) ~~those~~ completed sections of interstate is 75 miles an hour; ~~and~~

(b) four-lane divided highways is 70 miles an hour during the daytime and 65 miles an hour during the nighttime as those terms are defined in [section 3]; and

(c) ~~60 miles an hour on those~~ completed sections of primary and secondary highways is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in [section 3]. ~~However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.~~

(2) ~~A person may not operate~~ Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) ~~at a speed greater than~~ is ~~55~~ 65 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or

lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

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Insert: "Section 8. Section 61-9-415, MCA, is amended to read:

"61-9-415. Slow-moving vehicles. (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road, or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2) ~~of this section~~. The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction~~,~~ and must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway~~,~~ and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 or [section 3] does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle.""

Insert: "Section 9. Section 61-11-203, MCA, is amended to read:

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(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in [section 4(2)], 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle.""

Insert: "NEW SECTION. **Section 10. Relationship between speed limits and basic rule.** (1) The maximum numerical speed limits imposed under this part do not authorize speeds higher than those required for the careful and prudent operation of a vehicle as required by 61-8-303(1).

(2) The basic rule imposed by 61-8-303(1), requiring careful and prudent operation of a vehicle, does not authorize speeds higher than those established by the maximum numerical speed limits imposed under this part."

Insert: "NEW SECTION. **Section 11. Codification instruction.** (1) [Sections 3 and 10] are intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions

of Title 61, chapter 8, part 3, apply to [sections 3 and 10].

(2) [Section 4] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 4]."

Insert: "NEW SECTION. **Section 12. Repealer.** Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed."

Insert: "NEW SECTION. **Section 13. Effective date.** [This act] is effective May 28, 1999."

- END -

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1.26.99 BILL NO. SB 133 NUMBER 1

MOTION: Amendment SB013308.ace Do Pass

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN	X	
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE	X	
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS	X	
SEN. GREG JERGESON		X
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA		X
SEN. BARRY "SPOOK" STANG		X
SEN. DARYL TOEWS	X	

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1-26-99 BILL NO. SB 133 NUMBER 2

MOTION: Amendment SB013302.ace
#'s 3 and 4

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN	X	
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE	X	
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS		X
SEN. GREG JERGESON	X	
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA	X	
SEN. BARRY "SPOOK" STANG		X
SEN. DARYL TOEWS	X	

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 3

MOTION: Amendment SB013302.acc
#'s 1, 2, and 5

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN	X	
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE	X	
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS	X	
SEN. GREG JERGESON	X	
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA	X	
SEN. BARRY "SPOOK" STANG	X	
SEN. DARYL TOEWS		X

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 4

MOTION: Amendment SBQ3303.ace
#'s 1 & 2

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN		X
SEN. RIC HOLDEN, VICE CHAIRMAN		X
SEN. MACK COLE		X
SEN. BOB DE PRATU		X
SEN. JOHN HERTEL		X
SEN. REINY JABS		X
SEN. GREG JERGESON		X
SEN. GLENN ROUSH		X
SEN. DEBBIE SHEA		X
SEN. BARRY "SPOOK" STANG		X
SEN. DARYL TOEWS	X	

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1-26-99 BILL NO. SB 133 NUMBER 5

MOTION: Amendment SB013303.ace #3

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN	X	
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE	X	
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS	X	
SEN. GREG JERGESON		X
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA	X	
SEN. BARRY "SPOOK" STANG	X	
SEN. DARYL TOEWS	X	

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 6

MOTION: Amendment SB 013304.ace Do Pass

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN		X
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE		X
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL		X
SEN. REINY JABS		X
SEN. GREG JERGESON		X
SEN. GLENN ROUSH		X
SEN. DEBBIE SHEA		X
SEN. BARRY "SPOOK" STANG		X
SEN. DARYL TOEWS	X	

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 7

MOTION: Amendment SB 13305.ace Do Pass

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN		X
SEN. RIC HOLDEN, VICE CHAIRMAN		X
SEN. MACK COLE	X	
SEN. BOB DE PRATU		X
SEN. JOHN HERTEL		X
SEN. REINY JABS	X	
SEN. GREG JERGESON	X	
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA	X	
SEN. BARRY "SPOOK" STANG	X	
SEN. DARYL TOEWS		X

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 8

MOTION: Amendment SB13306.ace Do Pass

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN	X	
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE		X
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS	X	
SEN. GREG JERGESON		X
SEN. GLENN ROUSH		X
SEN. DEBBIE SHEA		X
SEN. BARRY "SPOOK" STANG	X	
SEN. DARYL TOEWS	X	

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 9

MOTION: Amendment SB013307. ace Do Pass

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN		X
SEN. RIC HOLDEN, VICE CHAIRMAN		X
SEN. MACK COLE	X	
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS	X	
SEN. GREG JERGESON	X	
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA	X	
SEN. BARRY "SPOOK" STANG	X	
SEN. DARYL TOEWS		X

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 10

MOTION: Amendment by Grimes

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN		X
SEN. RIC HOLDEN, VICE CHAIRMAN		X
SEN. MACK COLE		X
SEN. BOB DE PRATU		X
SEN. JOHN HERTEL		X
SEN. REINY JABS		X
SEN. GREG JERGESON		X
SEN. GLENN ROUSH		X
SEN. DEBBIE SHEA		X
SEN. BARRY "SPOOK" STANG		X
SEN. DARYL TOEWS		X

MONTANA SENATE
1999 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1·26·99 BILL NO. SB 133 NUMBER 11

MOTION: SB 133 as Amended

NAME	AYE	NO
SEN. ARNIE MOHL, CHAIRMAN	X	
SEN. RIC HOLDEN, VICE CHAIRMAN	X	
SEN. MACK COLE	X	
SEN. BOB DE PRATU	X	
SEN. JOHN HERTEL	X	
SEN. REINY JABS	X	
SEN. GREG JERGESON	X	
SEN. GLENN ROUSH	X	
SEN. DEBBIE SHEA	X	
SEN. BARRY "SPOOK" STANG	X	
SEN. DARYL TOEWS		X

DATE 1·26·99

SENATE COMMITTEE ON Highways + Transportation

BILLS BEING HEARD TODAY: SB 113, SB 156, SB 137, SB 138, SB 139

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Roger A. Hagan	449-8795	Mt National Guard Officer/Enlisted Assocs	137, 139, 136	X	
Ross Swanson	846-1320 ext 2329	Dept. of Corrections	137 156 138 139		
Bob Gilbert	439-1939	MT Pawn Tax Assn MT Dismantlers	113	X w and	
Jim Jacobsen	441-3740	MT Veterans Affairs Div	137 139 138	X	
John Sloan	442-3731	MOPH + DAV	137 138 139	X	
Larry Leagfellow	442-5417	V F W	137 138 139	X	
Dean G. Roberts	444-7548	DOJ- Motor Vehicle Div	137 113 138 139	X	
Steve Turkewicz	442-1237	Mt. Auto Dealers Assn	113	X	
Jerin Robinson	232-0711	Montana Ind A MIADA	113	X	
Mary A Conaley	221-7561	MIADA	113	X	
Allen Sanders	761-6656	MIADA	113	X	
Mark Staffen	245-7451	MIADA	113	X	
Jim Dusenberry	443-4444	MTA JADT Motor Repair + Tax	113	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1-26-99

SENATE COMMITTEE ON Highways & Trans

BILLS BEING HEARD TODAY:

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Mike Cavagnah	723-4490	Montana Tow Truck	113	✓	
Stuart Mackell		MT Manufactured Housing & RV Assoc.	113	✓	
Brenda Nordlund	444-2713	MDOT/MVD	SB13	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

LEGISLATIVE TAPE LOG

COMMITTEE: Highways and Transportation

DATE: 1-26-99

MINUTES	CONTENT NOTES
3:05	Sen. Mohl opens meeting
3:06	Sen Franklin opens SB 137
3:08	Proponents Roger Hagan Jim Jacobson
	Larry Longfellow Dean Roberts John Sloan
3:20	Opponents - None
3:21	Questions Sen. Stang - Brenda Nordlund Sen. Jabs - Sen Franklin
3:24	Sen. Franklin close
3:25	Sen Franklin open SB 138
3:27	Proponents Roger Hagan Jim Jacobson
	Opponents - none Information - Dean Roberts

LEGISLATIVE TAPE LOG

COMMITTEE: Highways and Transportation

DATE: 1-26-99

MINUTES	CONTENT NOTES
3:28	Questions Sen Stang - Angela Folks
3:30	Sen Franklin close SB 138
3:31	Sen. Franklin open SB 139
	Proponents - Roger Hagan Hugh Cumming
	Larry Longfellow John Sloan Jim Jacobson
3:33	Opponents - none
	Questions Sen. Cole - Angela Folks Sen. Mohl - Sen Franklin
3:36	Sen Franklin close
3:38	Sen Sprague open SB 156
3:44	Proponents - none

LEGISLATIVE TAPE LOG

COMMITTEE: Highways

DATE: 1-26-99

MINUTES	CONTENT NOTES
3:45	Opponents - Sen. Lynch
3:48	Questions Sen Cole - Sen Sprague Sen Roush - " "
	Sen Holden - Sen Lynch Sen Jergeson - " " Sen Jabs - Sen Sprague
	Sen Shea " " Sen Stang Sen Mont
3:55	Sen Sprague close SB 156
3:57	Sen Mahlum open SB 113
4:00	Proponents Dean Roberts Brenda Nordlund ex 3+4
	Gary Langley Jim Robinson Mark Stethis
	Steve Turkewitz Allen Bronkits ? Bob Gilbert
	Milo Casagrande Jim Dosenberry

(A)

LEGISLATIVE TAPE LOG

COMMITTEE: Highways

DATE: 1.26.99

MINUTES	CONTENT NOTES
4:18	Stuart Doggett
4:20	Opponents - None
4:21	Questions
	Sen Jabs - Mahlum
	Sen Cole Nordlund
	Sen Toews "
	Sen Hertel "
	Tape 2
	Sen Hibbert - Nordlund
	" Roberts
	Sen Toews - Roberts
	Sen Mohl Nordlund
	" Roberts
	Sen Mohl - Mahlum
4:40	Sen Mahlum closes SB 113
4:44	stop tape

LEGISLATIVE TAPE LOG

COMMITTEE: Highways

DATE: 1-26-99

MINUTES	CONTENT NOTES
4:50	Executive Action on SB 133 + 149 SB013306.avi Sen Holden motioned Amendment requested Sen Mohl Do Pass Connie explains Sen Mohl Erickson
	Questions Sen Jergeson - Sen Mohl - Connie Erickson - Sen Mohl Sen Jergeson - Sen Mohl
	Sen Stang - Connie Erickson Vote on Amendment on SB 133 Do Pass
5:01	13302 Amendment by Sen. Thomas Connie Erickson explains SB Sen Holden 1302 moves Do Pass
5:03	Questions: Sen Stang moved to segregate amendments Sen Holden moves 3+4 Do pass motioned
	Sen Stang - Connie Erickson Sen Cole - Sen Mohl Sen 1302 3+4 moved 2 no
	Sen Stang moved to pass 1, 2 + 5 Do pass but change
5:07	Sen Toews moved to segregate 1 + 2 on Amendment by Toews Discussion 13303.acc Sen Mohl
	Sen Stang
5:11	motion 1 + 2 of amendment 13303 acc by Toews Sen Toews
	Discussion Sen Holden

LEGISLATIVE TAPE LOG

COMMITTEE: Highways

DATE: 1-26-99

MINUTES	CONTENT NOTES
5:12	Discussion cont.
	Sen Stang
	Sen Rough
	Side B Tape 2
	Sen Jergeson
	Sen Torvis
	Sen Mohl
5:15	Sen Holden motioned 13304. aie by Sen Holden
5:18	Discussion
	Sen Jergeson
	Sen Stang
	Sen Hertel
	Sen Jabs
5:23	Sen Cole motioned Do Pass SB0 13305.
	Discussion
	Sen Shea supports
	Sen Torvis
	Sen Holden - Dave Galt
	Sen Mohl
	Sen Jabs - Connie Erickson
	Sen Jabs - Sen Jergeson - Stang - Connie Erickson
	Sen Stang - Connie Erickson
	Sen Stang - Colonel Reap
	Sen mohl
	Sen Holden
	Sen Jergeson
	Sen Cole
	Motion Passed 6-5
5:37	SB 13306. Sen Holden motioned Do Pass
5:38	Discussion
	Sen Stang
	Sen Shea
	Sen Jabs → Dave Galt

LEGISLATIVE TAPE LOG

COMMITTEE: Highways

DATE: 1-26-99

MINUTES	CONTENT NOTES
5:42	SB013307.acc Motioned Do Pass by Sen DePrato
	Discussion:
	Sen Stang
	Sen Mahl
	Sen Stang - DePrato
	Sen Stang - DePrato - Connie Erickson - Tim Reardon
5:48	Amendment by Sen Grimes
	Discussion S
	Sen Stang
	Sen Tocus
	Sen Shea
	Sen Jabs
	Sen Hertel
	Tape 3
5:52	SB133
	Sen Holden Do Pass as amended
5:53	Meeting adjourned

HOUSE

TRANSPORTATION

CHAIR: Anderson, Shiell

VICE CHAIR: Beck, Gary
Jore, Rick

MEMBERS:

Adams, Darrel	Barnett, Joe
Bookout-Reinicke, Sylvia	Brainard, Matt
Clark, Paul	Clark, Robert
Gallus, Steven	Golie, George
Hanson, Marian	Hedges, Donald
Juneau, Carol	Matthews, Gary
Smith, Frank	Somerville, Roger
Trexler, Cliff	

SECRETARY: Schmitz, Mary Lou

LEGISLATIVE STAFF: Kurtz, Leanne

SB 122 SPONSOR: Beck, Tom SHORT TITLE: Make permanent the third party commercial driver testing program
BY REQUEST OF: Department Of Justice
REFERRED ON: 02/16/1999 HEARD ON: 03/08/1999
EXECUTIVE ACTION: 03/16/1999 Bill Concurred as Amended -- VOTE: 17 - 0
FINAL DISPOSITION 04/14/1999 Chapter Number Assigned

SB 133 SPONSOR: Mohl, Arnie SHORT TITLE: Numerical daytime speed limit
BY REQUEST OF: Governor
BY REQUEST OF: Department Of Justice
REFERRED ON: 02/01/1999 HEARD ON: 02/05/1999
EXECUTIVE ACTION: 02/11/1999 Bill Concurred as Amended -- VOTE: 11 - 7
FINAL DISPOSITION 03/02/1999 Chapter Number Assigned

SB 137 SPONSOR: Franklin, Eve SHORT TITLE: Amend statutes relevant to veterans' license plates bill
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 02/16/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/23/1999 Bill Concurred as Amended -- VOTE: 12 - 5
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

SB 139 SPONSOR: Franklin, Eve SHORT TITLE: Submitting $10 fee for certain veterans' license plates fees to electorate
BY REQUEST OF: Joint Interim Subcommittee On Veterans' Needs
REFERRED ON: 02/16/1999 HEARD ON: 03/05/1999
TABLED ON: 03/12/1999
FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee

SB 148 SPONSOR: DePratu, Bob SHORT TITLE: Revise law on sale of excess highway lands
BY REQUEST OF: Department Of Transportation
REFERRED ON: 01/16/1999 HEARD ON: 01/25/1999
TABLED ON: 01/29/1999
FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee

SB 154 SPONSOR: Mohl, Arnie SHORT TITLE: Establish $125 annual fee for nondivisible load permit; define nondivisible load
REFERRED ON: 02/16/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/15/1999 Bill Concurred as Amended -- VOTE: 17 - 0
FINAL DISPOSITION 04/16/1999 Chapter Number Assigned

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SHIELL ANDERSON**, on February 5, 1999 at 3:15 P.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Gary Beck, Vice Chairman (D)
Rep. Rick Jore, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Barnett (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Paul Clark (D)
Rep. Robert C. Clark (R)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Marian Hanson (R)
Rep. Donald L. Hedges (R)
Rep. Carol C. Juneau (D)
Rep. Gary Matthews (D)
Rep. Frank Smith (D)
Rep. Roger Somerville (R)
Rep. Cliff Trexler (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 133, 2/1/1999
Executive Action: None

HEARING ON SB 133

Sponsor: **Senator Arnie Mohl, SD 39.**
{Tape : 1; Side : A; Approx. Time Counter : 0.3 - 16.5}

Proponents: Rep. Hal Harper, HD 52, Helena.
{Tape : 1; Side : A; Approx. Time Counter : 16.5 - 20.5}

Steve Bullock, Department of Justice, Helena.
{Tape : 1; Side : A; Approx. Time Counter : 20.5 - 25.1]

Margaret Hollow, Helena. **EXHIBIT(1)**
{Tape : 1; Side : A; Approx. Time Counter : 25.1 - 27.1}

Col. Craig, Chief, Montana Highway Patrol, Helena. **EXHIBIT(2)**
{Tape : 1; Side : A; Approx. Time Counter : 27.4 - 30.5}

Mick Robinson, Representing Governor Marc Racicot.
{Tape : 1; Side : A; Approx. Time Counter : 30.5 - 33.2}

James Olsen, Friends of the Bitterroot. **EXHIBIT(3)**
{Tape : 1; Side : A; Approx. Time Counter : 33.2 - 39.4}

Marv Dye, Department of Transportation.
{Tape : 1; Side : A; Approx. Time Counter : 39.4 - 41.1}

Bob Stover, Gallatin Gateway, 320 Guest Ranch.
{Tape : 1; Side : A; Approx. Time Counter : 41.1 - 41.7}
{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 2.3}

Marge Johnson, Helena.
{Tape : 1; Side : B; Approx. Time Counter : 2.3 - 4.6}

Kelley Hubbard, Helena, MSCA.
{Tape : 1; Side : B; Approx. Time Counter : 4.6 - 5.1}

Bob Anderson, Helena, MSPOA.
{Tape : 1; Side : B; Approx. Time Counter : 5.1 - 5.7}

Rep. Robert Clark, HD 8.
{Tape : 1; Side : B; Approx. Time Counter : 5.7 - 10.3}

Rep. Donald Hedges, HD 97.
{Tape : 1; Side : B; Approx. Time Counter : 10.3 - 11.8}

Opponents: Mark Cole, Dick Irvin, Inc. Trucking Firm, Shelby.
EXHIBIT(4)
{Tape : 1; Side : B; Approx. Time Counter : 11.8 - 15.6}

Ray Kuntz, CEO, Watkins - Shepard Trucking. **EXHIBIT(5)**
{Tape : 1; Side : B; Approx. Time Counter : 15.6 - 21.9}

Brian Cavey, Executive Vice President, Montana Motor Carriers' Association. **EXHIBIT(6) EXHIBIT(7)**
{Tape : 1; Side : B; Approx. Time Counter : 21.9 - 25.5}

Larry Barton, Manager, Company Safety, Watkins - Shepard Trucking.
{Tape : 1; Side : B; Approx. Time Counter : 25.5 - 26.9}

Dan Mergenthaler, Mergenthaler Transfer and Storage Company.
{Tape : 1; Side : B; Approx. Time Counter : 26.9 - 28.1}

Bob Boyd, Bob Boyd Trucking, Inc., Livingston. **EXHIBIT(8)**
{Tape : 1; Side : B; Approx. Time Counter : 28.1 - 35.2}

Mike Fellows, Montana Libertarian Party, Missoula. **EXHIBIT(9) EXHIBIT(10) EXHIBIT(11)**
{Tape : 1; Side : B; Approx. Time Counter : 35.2 - 38.7}
{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 0.2}

Questions from Committee Members and Responses: Rep. Bookout to Ray Kuntz.
{Tape : 2; Side : A; Approx. Time Counter : 0.2 - 1.7}

Rep. Somerville to Steve Bullock.
{Tape : 2; Side : A; Approx. Time Counter : 1.7 - 3}

Rep. Hanson to Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 3 - 5.1}

Rep. Brainard to Col. Reap.
{Tape : 2; Side : A; Approx. Time Counter : 5.1 - 6.7}

Rep. Brainard to Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 6.7 - 8.5}

Rep. Barnett to Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 8.5 - 10.2}

Rep. Beck to Brian Cavey and Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 10.2 - 12.4}

Rep. Bookout to Col. Reap.
{Tape : 2; Side : A; Approx. Time Counter : 12.4 - 14.4}

Rep. Smith to Senator Mohl and Dave Galt.
{Tape : 2; Side : A; Approx. Time Counter : 14.4 - 20.4}

Rep. Anderson to Dave Galt.
{Tape : 2; Side : A; Approx. Time Counter : 20.4 - 21.1}

Rep. Barnett to Col. Reap.
{Tape : 2; Side : A; Approx. Time Counter : 21.1 - 23.1}

Rep. Brainard to Col. Reap.
{Tape : 2; Side : A; Approx. Time Counter : 23.1 - 25.2}

Rep. Anderson to Senator Mohl and Dave Galt.
{Tape : 2; Side : A; Approx. Time Counter : 25.2 - 29.4}

Rep. Brainard to Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 29.4 - 31.8}

Rep. Gallus to Col. Reap.
{Tape : 2; Side : A; Approx. Time Counter : 31.8 - 33.3}

Rep. Bookout to Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 33.3 - 36.6}

Rep. Barnett to Senator Mohl.
{Tape : 2; Side : A; Approx. Time Counter : 36.6 - 39.3}

Rep. Brainard to Col. Reap and Rep. Bob Clark.
{Tape : 2; Side : A; Approx. Time Counter : 39.3 - 44.1}

Closing by Sponsor: Senator Mohl closed the Hearing on SB 133.
{Tape : 2; Side : A; Approx. Time Counter : 44.1 - 44.7}
{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 4.7}

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. SHIELL ANDERSON, Chairman

MARY LOU SCHMITZ, Secretary

SA/MS

EXHIBIT 1
DATE 2-5-99
~~HB~~ SB 133

February 5, 1999

Representative
State Capitol Building
Helena, MT 59620

Against SB133; Senator Arnie Mohl

How can anyone who has lived and traveled in Montana for even one year, believe that safety on our highways is improved by SB 133, raising the speed limit for trucks to 75 miles per hour? It is frightening! It is suicidal! I am horrified!

Please lower truck limits back to the 65 miles per hour that we have. I am a senior citizen and I have traveled these roads since 1941. Trucks going 75 miles per hour are a fatal hazard.

Please, common sense <u>now</u> is a must. Stop this type of slaughter on the highways before it is begun.

Margaret C. Hollow

Margaret Hollow
428 Washington Drive
Helena, MT 59601
442-8119

Comm. Copy
EXHIBIT 2
DATE 2-5-99
SB 133

Recap of testimony on SB-133. Colonel Craig T. Reap, to

In an effort to keep my testimony short, I have submitted written testimony to the Committee Secretary containing statistical information from the Legislative Auditor's report.
I will briefly recap that information.

Since the repeal things have changed. More instances of road rage and aggressive driving.
It seems that thought everyone has a story about a close call or someone following them too close at high speed.

1997 was a very bad year on Montana's highways. Our number of fatalities were the highest in the two categories used by the National Safety Council. Deaths pre miles driven and number of deaths by population. In 1998 deaths were lower than 97, but still higher than the downward trend we have seen in the last ten years. Proof that they are connected? Not easily attained. Driver is sometimes not able to be interviewed. Speeds are up. Crashes are more serious. Enforcement is difficult.

Plus there is lots of misunderstanding. The most common question a MHP officer hears is how fast can I go??

This bill is a compromise that was came to after much discussion and I appreciate the hard work Sen Mohl put into this bill.
AMENDMENTS:
Several things happened during this process. Supreme Court decision to eliminate the Basic Rule law. Decision said the law would not work as a primary speed enforcement tool.

We think, based on that decision, if we word the bill correctly, the Court will allow language which will require a driver to slow when weather and road conditions dictate a slower speed than the posted limit. We who drive in Montana, know that this is a common occurrence and would agree that this type of requirement is needed.

A second adjustment we think is needed has to do to an amendment which was put into the bill by Sen. Toews in the Senate Highways Committee. This amendment allows drivers to exceed the posted limit by 10MPH while passing. On two lanes roads this may be a good idea. To allow drivers to get quickly around those they are passing. But see no reason for this to apply on multi lane roads, where this is not a concern because there is no oncoming traffic.

Under this bill the majority of motorists will not be impacted in a negative way. Speeds are increasing, but the surveys show the majority of drivers are at or below the speeds described in this bill. The 10 and 5 MPH leeway on driving records is an additional consideration if a person finds themselves getting over the limit on a hill or some other situation.

I urge you consideration for this bill as it would provide the answer to one of the most commonly asked questions in Montana - How fast can I drive??

Comm. Copy

Testimony to the House Transportation Committee by Colonel Craig T. Reap on 5 February, in support of SB-133

In early 1995 we were contacted by the Governor's Office regarding the discussion of the repeal of the Federally Mandated Speed Limit. I encouraged the Attorney General to support this measure.
I felt this issue should best be left to the individual states, to let the state's citizens decide where a speed limit would be set and at the same time set a penalty for violations which best suits that particular state. Make the speed and the penalty appropriate for the volume of traffic, the type of roadways and the weather conditions.

Following the repeal, at the first opportunity, which was the 1997 session, I supported a numerical limit and a penalty section which I thought was appropriate for Montana. The measure failed with the idea that more time was necessary to study the issue to see if Montana actually needed a speed limit. I think the time has come and I believe the majority of the citizens of this great state agree with me. We have watched changes, not always for the better, in the number of traffic crashes resulting in fatalities. We have heard arguments that the majority of fatal crashes happen during the night, or in areas where there is a limit or involve vehicles which are already regulated.

The true picture as revealed by the recently revised legislative auditors' report is that the majority of fatal crashes happen during the day, (page 9) and many of the fatal crashes happen on roads where there is no posted limit. (Page 8)

It will be said that the number of fatalities and the lack of a numerical limit are not related. It is difficult to prove this, without a doubt, but in 1997 and 1998 speed related fatal crashes did increase where there was no posted limit (page 9) . And of course whether the high speed involved is directly related to the lack of a numerical limit is even harder to prove - sometimes, simply because there is no one alive to ask.

I think that most citizens will agree however, that things have changed on Montana Highways. Instances of so called road rage and aggressive driving have increased. All surveys show speeds have increased and most anyone I talk to has a story or two related to what they feel is inappropriate driving with much of it related to speed. Things have changed out there. We need to make our highways safer. The downward trend in the number of traffic fatalities we have seen since 1988 has reversed in the last two years.

In 1997 we led the nation in traffic fatalities by two measuring tools used by the National Safety Council. With 265 deaths, Montana counted 2.8 fatalities per 100 million miles driven compared to the national average of 1.8. We had 30.5 deaths per 100, 000 citizens as compared to a national average or 16.3. And in all the reports or information you read anywhere about speed limits or traffic crashes, there is always an asterisk by Montana - saying there is no daytime limit on our state highways.

In 1998 we experienced 237 tragic traffic deaths. Less than the horrible count of 265 in 1997, which was the highest since 1983, but still well ahead of the previous nine year average of 199.

The bill presented today is a compromise. Our original proposal addressed, as it did last session, only the void created by the repeal. We understood early on that there would be many opinions as to where the limit should be set, and also when the issue was opened for study, that other areas of speed limits would face scrutiny as well. The opinions offered to me as I made presentations and discussed this with thousands of Montanans, for the past two years, showed me that everyone had their own idea and I soon realized that there would be many who wanted other changes, changes beyond our original proposal.

One of the most hotly discussed issues was the truck speed. Trucks are a vital part of our ability to provide for our welfare and that of our families. They make up over 10% of the vehicles on the road and gain a lot of attention because of their size. I have heard a lot of comments about leaving the limits regarding trucks where it is. Then the argument of differential, which is contrary to the consistent flow of traffic, is stated. I have received calls from truckers who operate in states where there is a differential and I have been told of the problems that causes. But I also know that the terrain of Montana provides a natural differential which is completely unrelated to speed limits. I agree with the sponsor, to listen to the industry and to the public as to where this limit should be set.

I have said since the repeal that it is extremely difficult to enforce good driving practices on Montana Highways without a numerical limit. A numerical speed limit is the basis of all traffic laws. The loss of the controversial basic rule law made it only harder. Responding to citizen complaints or investigating crashes which were based on speed violations is difficult and explaining to our own citizens and those drivers from out of state as to how fast they can legally go continues to be a challenge.

The majority of Montana's drivers will not be affected by this law. Most are driving at or below the numbers proposed in this bill. With the considerations regarding the penalty section, most drivers will not be seriously impacted if they occasionally find themselves in excess of the posted speed.

I urge you to listen to the comments from the supporters of this measure, make the necessary amendments and pass a numerical speed limit. One which will be appropriate for our great state and acceptable to the majority of citizens.

EXHIBIT 3
DATE 2-5-99
SB 133

Friends of the Bitterroot
P.O. Box 442
Hamilton, Montana 59840

Montana House of Representatives
Transportation Committee
State House
Helena, MT

February 4, 1999

We respectfully submit comments to Senate Bill 133, "An act enhancing safety on Montana roadways by imposing speed limits...".

Friends of the Bitterroot is a public interest group based in the Bitterroot Valley. Friends of the Bitterroot has been involved in transportation issues for several years and has extensively researched highway safety issues. Dr. Kulash, a nationally recognized transportation expert, has reviewed Friends of the Bitterroot's comments and research on Highway 93 and called it, "the best research on a highway project that he has every seen from a citizens' group."

Friends of the Bitterroot wishes to support the bill with amendments. The idea of a numerical speed limit in addition to the basic rule is a good one. The preponderance of transportation research we have reviewed indicates that this will save lives. However the speed limits are too high to be reasonable and prudent.

In 1997, Montana had the second highest highway death rate per 100,000 population in the nation. It is twice the national average. The numbers put in the speed limit sections of this bill will make a difference to some families in Montana. A high speed limit is likely to mean that some families in Montana will experience death on the highways this year.

The limits for interstates, as defined in this bill, are being set higher than is reasonable and prudent. States, like Montana, that raised their speed limits on freeways in 1995 and 1996 when the Federal law changed experienced 15% more deaths. (See Attachment 1, "Motor vehicle deaths 15 percent higher in 24 states that raised speed limits", Insurance Institute for Highway Safety, 1/14/99). The bill sets 75 mile an hour speed limit (65 in areas of 50,000 population or more) and language that lets drives caught going 10 mph over off with a $20 fine and no impact on their driv[illegible]. The logic of this is cars traveling 85 to 90 mph on the interstates.

Either the speed limit for interstates should
language in Section 4 (2) "A violation of a
recorded or charged against a driver's reco
violation of a speed limit against an insurec
the speed limit is exceeded by no more tha
miles and hour during night time."

Exhibit # 3
From James Olson
The full exhibit is available from:
Montana Historical Society Archives
225 North Roberts
PO Box 201201
Helena, MT 59602-1201
Phone: (406) 444-4775

EXHIBIT 4
DATE 2-5-99
SB 133

Montana State House of Representatives
Transportation Committee
Testimony of Mark Cole
February 5, 1999

Good Afternoon:

My name is Mark Cole and I am a principle with the Shelby trucking firm of Dick Irvin, Inc. My duties and responsibilities over the past 25 years with this firm have included all phases of the transportation industry with considerable interest and emphasis on highway safety issues. The trucking industry today faces many challenges, from the environmental community to the special interest groups to the never-ending railroad competition. One of these continued challenges is responding to the inaccurate spin regarding the efficiency and safety of LCVs (longer combination vehicles),and trucking in general. Being an inland, land-locked state these motor vehicles play a vital role in Montana's transportation infrastructure. As a motor carrier, we have researched and assisted developing manufacturer specifications for the equipment we operate. So it is rather puzzling to understand why the opinion of the industry in question continues to be amended. As a point of interest our power units are specified to operate at no more than 62 miles per hour. They are electronically governed to operated at 58mph. This is the point of greatest efficiency. Paramount is our concern to operate this equipment as safely and efficiently as possible. These concerns cannot be achieved by increasing truck speeds on Montana Highways.

As I am sure you all are aware, there are in Montana a substantial number of trucks operating on our highways. These units typically operate at G.V.W.'s between 80-120,000 pounds and

up to 95 feet long. Obviously, the stopping distances between any truck traveling 60-65 miles per hour and one traveling 70-75 miles per hour are considerable. Interstate highway or on uncontrolled access two lane, one is asking for trouble running 70 miles per hour at 110,000 pounds gross vehicle weight. This is not only a concern for the mule deer that may not be avoided, but a far greater concern for the John Deeres with whom we share many of Montana's highways and by ways.

And finally, to my knowledge there is not a truck-tractor manufactured today that operates more efficiently and economically moving in the 75 mile per hour range compared to the 60 mile per hour range.

Montana depends on efficient, safe trucks to deliver and distribute its products. As a longtime participant in a vital Montana industry, I respectfully request your consideration in leaving truck speeds as they are today. Proven , common sense standards.

Thank-you.

WATKINS SHEPARD
TRUCKING, INC.

P.O. Box 5055, Helena, MT 59604
Phone: (406) 442-9536
(800) 824-0913
Fax: (406) 449-3924

EXHIBIT 5
DATE 2-5-99
SB 133

February 5, 1999

House Committee on Transportation
RE: Senate Bill 133

Members of the Transportation Committee

Watkins and Shepard Trucking is opposed to Senate Bill 133 as proposed. We support the numerical speed limit for automobiles and light trucks but oppose increasing truck speed limits on the interstate. Imposing a daytime speed limit for automobiles and light trucks would clearly make our workplace, the highway system, safer and save lives. Raising truck speed limits on the interstate system would clearly raise the risk of serious large truck crashes causing increased equipment damage, increased injuries and fatalities resulting in increased liability and workman's compensation insurance costs. Increased insurance cost would put Montana based trucking companies at a competitive disadvantage with our out of state competitors.

We at Watkins and Shepard Trucking don't pretend to know all the answers on highway safety, however, we spend over ½ million a year in our driver training and safety department. Our driver school is the only private driver school that I know of in the state of Montana and it's staff trains over 180 drivers per year. Every one of our drivers goes through an individual safety review every six months. We take safe driving very seriously and all our research and experience show that increasing interstate truck speeds to 75 mph on the interstate system would be completely irresponsible and a very deadly mistake.

A large truck takes much longer to stop than a car traveling at the same speed. A car traveling at 75 mph takes approximately 278 ft. to stop and a loaded truck traveling at that same speed needs around 459 feet to stop, over a half of a football field length in difference. At 65 mph a loaded truck takes about 50 to 60 feet further to stop than a car traveling at 75mph. Clearly this stopping distance deferential puts all highway users at an increased risk if truck speeds are raised to 75 mph on the interstate system. And the driving public should be very concerned because per the national institute for Highway safety in 1997 98% of people killed in two vehicle crashes involving a passenger vehicle and a large truck were the occupants of the passenger vehicle. And 27% of those deaths occurred on our freeway system. Also more large truck deaths occur during the day than night, which is a result of less traffic, and lower nighttime speed limits.

According to Brain O'Neill of the insurance institute for highway safety, higher speeds reduce the time truck drivers have to avoid crashes and increases the likelihood of crashing and the severity of the crashes that occur. He says that they know that when speed limits are raised that drivers who exceeded old speed limits will exceed the higher limits also.

According to the Montana Highway Patrol Bureau of the Motor Vehicle Inspections reports from 1993 to 1997, nearly thirty percent of all commercial vehicle crashes were rollovers and jackknifes, which often is a result of speed. Increasing freeway speed limits to 75mph would clearly cause and an increase in rollovers and jackknifes.

Last winter one of our drivers, driving at night on the interstate, came upon a pallet of mining product that had fallen off another truck. Traveling at the lower night time speed limit he was not able to stop

in time to avoid hitting the pallet and causing serious equipment damage. If he had been traveling at the proposed nighttime speed limit of 75 mph things would have clearly been a lot worse. You simply can not see far enough ahead of you with current truck head lights to react and stop a heavy truck doing 75mph in time to avoid hitting an object after spotting it at night. Raising daytime speeds to 75mph on the interstate system is irresponsible, raising night time truck speeds to 75mph is just plain stupid.

The trucking industry employs one of every 11 Montana workers, with an annual payroll of close to $700 million per year. Workman's compensation and liability insurance are two of our major costs. Increasing truck speeds would eventually result in increases in both and hurt the Montana trucking industry. Why would anyone want to take that risk.

While highway fatalities have seen rapid increases the last three years, fatalities resulting from truck vehicle collisions have not. This is a great example of trying to fix something that isn't broke. Leave trucks speeds where they are and let the trucking industry do its job.

Whenever you get behind the wheel of any motor vehicle you assume some risk. As motor carrier executives we have a responsibility to our drivers and the driving public to keep that risk at a minimum. As members of the Montana House of Representatives Transportation committee you have agreed to see over the driving safety of the citizens of this great state. This is a very important responsibility and you need to consider all risks carefully before you raise truck speed limits. We have presented a lot of facts that point out the risks of raising truck speed limits. The proponents of raising truck speeds have not shown one single fact that shows that there is no risk of increased accidents. The safety responsible decision is clearly to leave truck speeds where they are.

Sincerely,

Ray Kuntz
CEO
President Elect of the Montana Motor Carriers
Member of the Executive of the American Trucking Association

EXHIBIT 6
DATE 2-5-99
SB 133

Statement of the Montana Motor Carriers Association
by Brian Cavey, Executive Vice President
Before the House Committee on Transportation
Regarding SB133
February 5, 1999

Mr. Chairman and members of the committee, for the record, my name is Brian Cavey and I am the Executive Vice President of the Montana Motor Carriers Association, representing nearly 400 carrier members. You have heard from a number of our members here today. This issue is very important to the MMCA.

Today, the MMCA, would like to go on record as opposed to Senate Bill 133 in its present form. This bill needs an amendment before the MMCA can support the legislation.

MMCA supports the establishment of a numerical speed limit for all vehicles on Montana's highways. SB133 establishes limits for automobiles that will help make our highways safer for all who use them. But an additional amendment would make those roads even safer.

According to the Montana Highway Patrol, trucks account for approximately 10% of the traffic on Montana highways. They carry 87% of the manufactured freight delivered to or from Montana. And diesel powered vehicles, the vast majority of which are trucks, account for nearly $48 million per year in fuel taxes to help construct and maintain our highways.

The trucking industry is responsible for one job in every eleven in Montana. These are good jobs, with an average wage exceeding $26,000 per year. With an annual payroll of over $667 million, the trucking industry has an important stake in Montana's highways.

MMCA's opposition to this legislation is based on its treatment of interstate highway truck speed limits. The MMCA Board is on record as supporting the existing speed limits for truck traffic, currently 65 mile per hour at all times. On our other highways, trucks are limited to 60 mph in the daytime with a 55 mph limit at night. That set of limits is common knowledge among drivers and appears to be functioning well.

In its current form, SB133 would raise interstate truck speeds to 75 mph, day and night. This increase in truck speeds is likely to increase the number and severity of accidents. Our surrounding states have all raised their speed limits and they have experienced an increase in the number of truck accidents.

In Idaho, the truck crash count ranged from 1237 to 1527 for each year between 1990 and 1995. In 1996, that figure reached 1675. In 1997 it dropped back to 1566, still higher than any year between 1990 and 1995. In 1998, Idaho reduced interstate truck speed limits to 65 mph.

In Wyoming, for each of the years 1990 through 1995, between 1159 and 1510 accidents involving trucks took place. In 1996, trucks were involved in 1560 accidents and in 1997, they were involved in 1714 accidents. The accident figure in 1997 was 13.5% higher than their worst previous year since 1990.

In North Dakota, for the years between 1990 and 1995, the yearly tally of accidents involving trucks ranged from 306 to 462. In 1996 that number increased to 529. In 1997 the count was 543. The 1997 figure exceeds the previous maximum by 17.5%.

In South Dakota, the annual truck accident count ranged from 824 and 1052 for the first 6 years of the decade. In 1996 the count increased to 1174. In 1997, the number increased again to 1262. That figure is 20% higher than the worst previous year in the 1990's.

I have included a complete set of data for these four states with the written copies of this testimony which I have distributed. I believe it makes a very compelling case to amend this legislation to leave interstate truck speeds at the level established in current law – 65 miles per hour.

MMCA is aware that if this proposal becomes law, it would create a 10 mph speed limit differential for trucks and cars on our highways. The policy implications of creating a differential can be debated and the research is evenly divided on the safety implications of such a differential. But for all practical purposes, a differential exceeding 15 miles per hour is present on Montana highways at this time and that condition will be continued with SB133.

SB133 as currently drafted, allows automobile drivers to violate the speed limit by 10 mph during the daytime and 5 mph at night without having violations adversely impact motor vehicle records. This provision ensures that for a segment of the traffic flow, there will be a differential between cars and trucks of 10 mph. MMCA supports the sponsor's draft which prevents the extension of this "forgiveness clause" to commercial drivers. Even so, with a limit of 75 mph on the interstate and this 10 mph "forgiveness clause" many cars will travel at 85 mph while trucks are restricted to 75 mph. I am not arguing to increase the limits for trucks. In fact the opposite is true. But it is troubling that some would advocate the need to minimize differentials at the same time this bill ensures differentials at even higher speeds than we see currently on Montana highways.

Many economic analyses support speed limits for trucks from 55 to 65 miles per hour. 1996 Research by The Maintenance Council of the American Trucking Associations found that one mile per hour speed increase cost 2.2% in fuel economy. In addition, higher speeds require oil and tire changes, brake repairs, and engine overhauls more frequently. Higher speeds may undermine the equipment-related safety improvements which the industry has achieved in recent years. Not only will the 10 mph increase in interstate speeds have the potential to increase the number of accidents on Montana highways, but it will mean a 10% increase in operating costs for every trucking company in Montana.

Safety on our highways is a critical issue to MMCA's members. We are most proud that truck related fatalities in Montana for 1998 were down by nearly 25% over 1997. Still, 18 people died in commercial vehicle accidents in the state last year. One fatality is too many. We believe that by setting a numerical speed limit for cars and by maintaining the existing speed limits for trucks, we can continue to improve on the safety record we achieved in 1998.

I encourage the Committee to amend the bill to hold truck speed limits where they currently are so MMCA can then support this legislation.

I appreciate the opportunity to testify on this measure before you today.

Status of Maximum Speed Limits (7/01/98)

State	Limits as of 7/01/98 Cars	Trucks	
Ala	70	70	
Alaska	65	65	
Ariz	75	75	
Ark	70	65	
Calif	70	55	• Truck speed is for combo vehicles, or 3 or more axles.
Colo	75	75	
Conn	55	55	
DC	55	55	
Del	65	65	• 65 mph on portions of I-95 and Hwy 1 only.
Fla	70	70	
Ga	70	70	
Hawaii	55	55	
Idaho	75	65	

State	Limits as of 7/01/98 Cars	Trucks	
Ill	65	55	
Ind	65	60	
Iowa	65	65	
Kan	70	70	
Ky	65	65	
La	70	70	
Maine	65	65	
Md	65	65	
Mass	65	65	
Mich	70	55	
Minn	70	70	
Miss	70	70	
Mo	70	70	

State	Limits as of 7/01/98 Cars	Trucks	
Mont	RP	65	• 65 mph at night for all vehicles • Trucks defined as vehicles over 9,000 lbs GVWR.
Neb	75	75	
Nev	75	75	
N.H.	65	65	
N.J.	65	65	• 65 mph only on portions of the N.J. Turnpike
N.M.	75	75	
N.Y.	65	65	• Turnpike Doubles restricted to 55 mph on NY state thruway.
N.C.	70	70	
N.D.	70	70	
Ohio	65	55	
Okla	75	75	• 75 mph only on Turnpike - 70 mph on Interstates.
Ore	65	55	
Penn	65	65	

State	Limits as of 7/01/98 Cars	Trucks	
R.I.	65	65	• 65 mph on I-295 & portions of I-95 only
S.C.	65	65	
S.D.	75	75	
Tenn	70	70	
Texas	70	60	• Trucks 55 mph at night, cars 65 mph at night.
Utah	75	75	
Vermont	65	65	
Va	65	65	
Wash	70	60	
W. Va.	70	70	
Wisc	65	65	
Wyo	75	75	

Rural = Less then 50,000 population.
RP = Reasonable and Prudent depending on conditions including: traffic, vehicle condition, roadway and weather conditions.

Note: Please exercise caution in using this information as it changes frequently. We cannot guarantee the accuracy or timeliness of what has been reported to us. The speeds reported here are the maximum allowable by state law and usually apply only on rural interstates or turnpikes. Always observe the *posted* limit. - Any questions or concerns call Larry Yates - ATA Safety Policy Department at (703) 838-1847.

01/06/99 15:56 FAX 307+237+2254 SHARON NICHOLS +++ BEN HAVDAHL 001

Total Accidents Involving Trucks, 1990 to 1997 (cont'd)

	Idaho								North Dakota							
	1990	1991	1992	1993	1994	1995	1996	1997	1990	1991	1992	1993	1994	1995	1996	1997
Crashes Involving Trucks	1,527	1,237	1,339	1,488	1,405	1,343	1,675	1,566	306	391	368	462	418	346	529	543
Fatal Crashes Involving Trucks	28	27	25	13	39	29	37	29	7	7	11	12	3	4	10	9
Injury Crashes Involving Trucks	477	395	437	450	531	509	547	485								
Total Crashes	20,704	18,016	20,241	21,109	22,123	21,561	23,636	23,893	17,973	19,431	19,913	22,265	24,213	24,368	27,506	28,156
Total Fatal Crashes	210	221	207	199	219	233	228	220	138	116	119	133	111	103	119	133
Truck Share of Fatal Crashes	13.3%	12.2%	12.1%	6.5%	17.8%	12.4%	16.2%	13.2%	5.1%	6.0%	9.2%	9.0%	2.7%	3.9%	8.4%	6.8%
Truck Share of Total Crashes	7.4%	6.9%	6.6%	7.0%	6.4%	6.2%	7.1%	6.6%	1.7%	2.0%	1.8%	2.1%	1.7%	1.4%	1.9%	1.9%

Source: Idaho Department of Transportation
Highway Safety Program

Source: North Dakota Department of Transportation
Drivers License and Traffic Safety Division

Total Accidents Involving Trucks, 1990 to 1997

	Wyoming								South Dakota							
	1990	1991	1992	1993	1994	1995	1996	1997	1990	1991	1992	1993	1994	1995	1996	1997
Crashes Involving Trucks	1,250	1,192	1,159	1,510	1,216	1,319	1,560	1,714	877	824	911	1,049	1,052	1,012	1,174	1,262
Fatal Crashes Involving Trucks	19	19	13	13	20	16	12	23	10	22	18	19	15	15	19	15
Injury Crashes Involving Trucks	333	318	297	381	311	354	391	387	269	230	231	292	293	280	286	342
Total Crashes	12,687	12,677	13,081	14,443	14,227	14,425	16,492	16,635	24,333	25,942	27,728	30,893	32,069	31,669	35,791	33,866
Total Fatal Crashes	105	104	99	100	130	138	121	117	192	178	197	171	193	199	202	182
Truck Share of Fatal Crashes	18.1%	18.3%	13.1%	13.0%	15.4%	11.6%	9.9%	19.7%	5.2%	12.4%	9.1%	11.1%	7.8%	7.5%	9.4%	8.2%
Truck Share of Total Crashes	9.9%	9.4%	8.9%	10.5%	8.5%	9.1%	9.5%	10.3%	3.6%	3.2%	3.3%	3.4%	3.3%	3.2%	3.3%	3.7%

Source: Wyoming Department of Highway Safety
Comprehensive Reports of Traffic Accidents, 1990-1997

Source: South Dakota Division of Planning/Engineering
Office of Accident Records

Northern Routes Transportation

February 5, 1999

The Honorable Shiell Anderson
Transportation Committee Chairman
Montana House of Representatives Capital Station
Helena, MT 59601

Mr. Chairman and members of the committee for the record, my name is Paul Lambert and I am the president of the Montana Motor Carriers Association representing nearly 400 carrier members. With my wife Janice, I own and operate Northern Routes Transportation, a fleet of thirty refrigerated trucks. Based out of Bozeman and employing approximately fifty employees.

Today, the Montana Motor Carries Association (MMCA) would like to go on record as opposed to senate bill #133. This bill needs to be amended before the MMCA can support the legislation.

There are at least two areas where I take issue with the bill as it is written. I would first like to discuss the issue that increased speed increases the efficiency and or utilization of the truck. There is no data that demonstrates where increased speed from 65 to 75 will increase the efficiency or truck utilization. In fact all the data strongly demonstrates that for each mile per hour increase in speed over 65 miles per hour, efficiency decreases 2.2 percent. Efficiency is defined as tire wear, fuel consumption and drive train usage etc. If you take into account the economical law of diminishing marginal return, the decrease in time to drive across the state is not justified by the increase in cost.

Secondly, it is true that I as a fleet owner in accordance with our safety program, can and do set the maximum speed on our trucks at 68 mph. We as fleet owners that set these mandatory speed levels, make up only a portion of the trucks on the road. There are many other fleet owners and independents that do not set these maximum levels on their equipment. Increased speed creates more risk for accidents, and the accidents will happen. I as a fleet owner, who sets these safety levels on my equipment, do not want the negative public perception that accompanies accidents involving trucks traveling at 75 miles per hour.

I encourage the committee to amend the bill to hold truck speed limits where they currently are so that MMCA can then support this legislation.

Sincerely,

Paul W. Lambert, Owner

13620 Cottonwood Road Bozeman, Montana 59718
Phone: 406-763-4568 Fax: 406-763-4213

Covenant Transport
P.O. Box 22997
Chattanooga, TN 37422
423/821-1212

EXHIBIT 7
DATE 2-5-99
SB 133

February 4, 1999

State of Montana
House of Representatives
Transportation Committee

Dear Legislature:

I am writing you today to express my concerns over proposed legislation to raise speed limits in the state of Montana from 65 to 75 mph. The issue is of particular importance to us at Covenant Transport, Inc., in that it directly impacts the safety performance of our company as will other truckers utilizing your state highways.

Although Covenant's truck fleet does not concentrate primarily in your state, the 2,500,000 miles traveled in your state annually tells me that we have approximately 15 units in Montana at any time.

As you are probably aware, the media is often unkind to the trucking industry-projecting an image of unsafe equipment and drivers on the highways. To the contrary, we feel that most truckers as well as related organizations such as the American Trucking Association strive to propagate safer highway travel for all. Controversial issues such as these are not easily resolved and this one is no exception.

In conclusion, however, I want you to know that as a "just-in-time" sensitive carrier, I could dwell on all the positive aspects of decreasing my delivery times by 10 to 15% in the form of increased speed limit changes.

I, however, feel that we as a trucking company and you as a legislator have a responsibility to our fellowman on our public highways. Accordingly, I strongly discourage you from supporting the legislation to raise the Montana speed limits.

Sincerely,

COVENANT TRANSPORT, INC.

David R. Parker
Chairman of the Board, President and
Chief Executive Officer

EXHIBIT 8
DATE 2-5-99
SB 133

BOB BOYD TRUCKING, INC.

P.O. BOX 1257
5706 HIGHWAY 10 EAST
LIVINGSTON, MT. 59047
UNITED STATES OF AMERICA

Phone 1-406 222 0884
Fax 1-406-222-8344

February 05, 1999

STATEMENT BY BOB BOYD TRUCKING, INC.
BEFORE THE HOUSE COMMITTEE OF HIGHWAYS AND TRANSPORTATION.
CC: SPEED LIMIT

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS BOB BOYD. I AM PRESIDENT AND GENERAL MANAGER OF BOB BOYD TRUCKING, INC. OF LIVINGSTON, MT. WE RUN A FLEET OF 37 TRACTORS AND 42 FLATBED AND STEP DECK TRAILERS THROUGHOUT THE U.S. WE EMPLOY 46 PEOPLE.

TODAY WE WOULD LIKE TO GO ON RECORD SUPPORTING A SPEED LIMIT BILL ESTABLISHING SPEED LIMITS ON ALL HIGHWAYS, FOR ALL VEHICLES! WE BELIEVE THAT TRUCK SPEED LIMITS SHOULD STAY AS POSTED WITH 65 M.P.H. ON ALL INTERSTATES AND 60 M.P.H. ON ALL TWO-LANE HIGHWAYS DURING DAYLIGHT HOURS, AND KEEPING THE 55 M.P.H. LIMITS IN EFFECT FOR NIGHTTIME DRIVING ON TWO LANE HIGHWAYS. WE ALSO BELIEVE THAT LIMITING SPEEDS FOR CARS IS A NECCESITY, BY SETTING THE SPEED LIMITS AT 75 M.P.H. ON INTERSTATES AND 65 M.P.H. ON TWO-LANE HIGHWAYS. WE BELIEVE THAT THIS WILL PROMOTE SAFER MORE EFFICIENT DRIVING FOR EVERYONE.

BELOW IS INFORMATION PROVIDED BY PAUL LAMBERT, PRESIDENT OF M.M.C.A.:

SB133 AS CURRENTLY DRAFTED, ALLOWS AUTOMOBILE DRIVERS TO VIOLATE THE SPEED LIMIT BY 10 MPH DURING THE DAYTIME AND 5 MPH AT NIGHT WITHOUT HAVING VIOLATIONS ADVERSELY IMPACT MOTOR VEHICLE RECORDS. THIS PROVISION ENSURES THAT FOR A SEGMENT OF THE TRAFFIC FLOW, THERE WILL BE A DIFFERENTIAL BETWEEN CARS AND TRUCKS OF 15 MPH DURING THE DAYTIME ON INTERSTATE HIGHWAYS AND 10 MPH ON TWO LANE HIGHWAYS. MMCA SUPPORTS THE SPNSOR'S DRAFT WHICH PREVENTS THE EXTENSION OF THIS "FORGIVENESS CLAUSE" TO COMMERCIAL DRIVERS. EVEN SO, WITH A LIMIT OF 75 MPH ON INTERSTATE AND THIS 10 MPH "FORGIVENESS CLAUSE" MANY CARS WILL TRAVEL AT 85 MPH WHILE TRUCKS ARE RESTRICTED TO 70 MPH. I AM NOT ARGUING TO INCREASE THE LIMITS FOR TRUCKS. BUT IT IS TROUBLING THAT SOME WOULD ADVOCATE THE NEED TO MINIMIZE DIFFERENTIALS AT THE SAME TIME THIS BILL ENSURES DIFFERENTIALS AT EVEN HIGHER SPEEDS THAN WE SEE CURRENTLY ON MONTANA HIGHWAYS.

MANY ECONOMIC ANALYSES SUPPORT SPEED LIMITS FOR TRUCKS FROM 55 TO 65 MPH. 1996 RESEARCH BY THE MAINTENANCE COUNCIL OF THE ATA FOUND THAT ONE MILE PER HOUR SPEED INCREASE COST 2.2% IN FUEL ECONOMY. IN ADDITION, HIGHER SPEEDS REQUIRE OIL AND TIRE CHANGES, BRAKE REPAIRS, AND ENGINE OVERHAULS MORE FREQUENTLY. HIGHER SPEEDS MAY UNDERMINE THE EQUIPMENT RELATED SAFETY IMPROVEMENTS WHICH THE INDUSTRY HAS ACHIEVED IN RECENT YEARS. NOT ONLY WILL THE 5 MPH INCREASE IN INTERSTATE SPEEDS HAVE THE POTENTIAL TO INCREASE THE NUMBER OF ACCIDENTS ON MONTANA HIGHWAYS, BUT IT WILL MEAN A 10% INCREASE IN OPERATING COSTS FOR EVERY TRUCKING COMPANY IN MONTANA.

SAFETY ON OUR HIGHWAYS IS A CRITICAL ISSUE TO MMCA'S MEMBERS. WE ARE MOST PROUD THAT TRUCK RELATED FATALITIES IN MONTANA FOR 1998 WERE DOWN BY NEARLY 25% OVER 1997. STILL, 18 PEOPLE DIED IN COMMERCIAL VEHICLE ACCIDENTS IN THE STATE LAST YEAR. ONE FATALITY IS TOO MANY. WE BELIEVE THAT BY SETTING A NUMERICAL SPEED LIMIT FOR CARS AND BY MAINTAINING THE EXISTING SPEED LIMITS FOR TRUCKS, WE CAN CONTINUE TO IMPROVE ON THE SAFETY RECORD WE ACHIEVED IN 1998.

WE ENCOURAGE THE COMMITTEE TO AMEND THE BILL TO HOLD TRUCK SPEED LIMITS WHERE THEY CURRENTLY ARE SO MMCA CAN THEN SUPPORT THIS LEGISLATION.

AT BOB BOYD TRUCKING, INC. OUR MAIN FOCUS IS SAFETY AND EFFICIENCY. LIMITING SPEEDS PREVIOUSLY STATED WILL NOT ONLY PROMOTE SAFETY AND EFFICIENCY BUT ALSO SAVE US ALL MONEY ON REDUCED COSTS OF SIGN REPLACEMENT ON ALL HIGHWAYS AND REDUCE DAMAGE TO HIGHWAYS CAUSED BY THE COMBINATION OF SPEED AND HEAVY LOADS.

Sincerely,

BOB BOYD
PRESIDENT
BOB BOYD TRUCKING INC.

EXHIBIT 9
DATE 2-5-99
SB 133

Montana Libertarian Party

P.O. Box 4803 Missoula MT 59806
1-406-721-9020 * Mfellows@USA.Net

February 5, 1999

Re; SB 133

Good afternoon Mister Chairman and members of the committee. For the record my Name is Mike Fellows and I'm Chairman of the Montana Libertarian Party. We stand in Opposition to Senate Bill 133 sponsored by Senator Mohl.

Proponent claim this a safety bill, that by implementing a numerical speed limit all our problems will go away. After all if a law is on the books it should solve the problems? Right. The fact is the people right now are driving reasonable. Attorney General Marcuek has said that. Reasonable and

prudent does work. In 1997 when there was a call for a special session, the legislative auditor had issued the report the there was no correlation on the number of fatalities based on speed alone. We found people falling asleep at the wheel, driving under the influence, and mainly because of inattentive driving. This bill won't change that.

This bill is simply a revenue enhancement bill. According to the fiscal note the MHP receives about 177,000 dollars in ticket revenue. This estimates over one-million in new revenue. That's what's driving this bill--MONEY. And if the extra money generated by this bill can provide for more ticket writers then the one-million dollars will enhance to two-million.

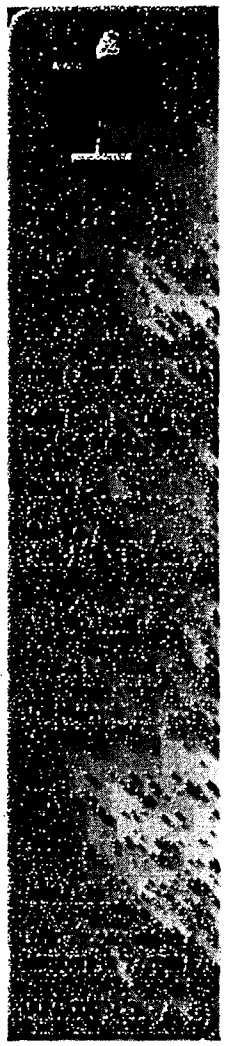
The facts just aren't there to justify this bill. Everybody indicates poll numbers, but what are polls? They are designed to elicit a planned response.

I hope this bill goes through some more changes or is tabled by this committee. Some recommendations would be to make the limit Prima Facie Limit, as a protection against the basic rule. And secondly let's do some engineering studies. I suspect the those studies would find a majority of drivers would be going faster then 75 mph. Certainly if those states around us are doing 75 mph then, as the sponsors says, we should be doing that to, but what if those other states had a 100 mph limit would we be doing that also?

Let's not pass this bill simply because the legislature has dollars sign in there heads. SB 133 is not needed and I hope this body sees that fact. We recommend a do not pass on SB 133. Thank You

Speed Limit Experts Do A U-Turn

EXHIBIT 10
DATE 2-5-99
SB 133



By Eric Peters

There ought to be blood in the streets: carnage everywhere. It's what we were promised by self- styled "safety" experts if Congress dropped the checkered flag by nixing the much-loathed 55 mph national speed limit. But in the two years since Congress ditched the 55-mph albatross and gave states the right to establish their own maximum highway speed limits, fatality and accident rates have actually dropped.

The latest statistics, indeed, should provide some tasty garnish for the crow sandwich now being placed in front of such doomsayers as former National Highway Traffic Safety Administration (NHTSA) chief Joan Claybook and Clarence Ditlow, her cohort from the Center of Auto Safety.
Of the 36 states to set higher-than-55-mph interstate speed limits, the majority showed an improvement in traffic safety, according to a comprehensive new NHTSA report.

In California, where interstate speed limits are set at 70 mph, the fatality rate declined 4 percent between 1995 and 1996 -- the best record since 1961. In Mississippi, the fatality rate dropped an impressive 21 percent after the highway limit was raised from 55 to 70 mph; on the much disparaged "Montanabahn" -- where there are no specific daytime speed limits (the "reasonable and prudent" standard applies), fatalities dropped 5 percent between 1995 and 1996.

These results are not a statistical anomaly or a fluke; nationally, fatality rates have been declining for decades irrespective of arbitrary speed laws such as "Drive 55."

"The whole idea that changing speed limits was going to affect highway fatalities is a myth," said James J. Baxter of the National Motorists Association -- a lobbying group that deserves a big chunk of the credit for getting rid of the stupid 55 mph law.

Mr. Baxter and others believe in the truism that most drivers are not suicidal or homicidal and therefore drive naturally at reasonable speeds -- without some government bureaucrat telling them what that speed should be. Traffic engineers have a scientific term for this: the "85th percentile" speed. This is the rate at which the majority of drivers on a given stretch of road under a given set of conditions will naturally drive.

On the typical American interstate, measured 85th percentile speeds are between 70-80 mph. This is the normal flow of traffic, regardless of posted limits. Only a small handful of drivers go much faster than 85 mph. The 85th percentile standard used to be the method engineers employed to set speed limits -- which served as meaningful estimates of safe driving speeds motorists unfamiliar with a given road could use as a reference point. Today, after 21 years of "55 Saves Lives," speed limit signs have become virtually meaningless to motorists, who have no way of evaluating whether the posted speed reflects any relationship to how fast or slow they ought to be driving.

Fifty-five miles per hour -- or even 65 mph for that matter -- on a modern interstate highway in a modern car equipped with 4-wheel anti-lock brakes, overdrive and excellent modern tires is just silly. So most people ignore the unrealistic speed limits and keep a keen eye out for speed traps. As time went by, most of us became very cynical and even contemptuous about modern speed enforcement.

The 55 mph speed inaugurated an era when limits became revenue enhancers -- and the highway patrol turned into highwaymen, eroding public respect for and confidence in police forces in a way difficult to gauge. Instead of "To Serve and Protect," the new motto seemed to be: "To Harass and Collect." Turning cops into armed tax collectors with quotas to fill and the weight of the state to enforce it has generated enormous public antipathy towards the police -- a most unfortunate thing.

And the police themselves have been conditioned like modern Shutzstaffeln (SS) into rules and regulations droning automatons capable of neither independent judgment nor empathy for their victims.

At least now that 55 is history and the "safety" gurus have been exposed for the frauds they are, we're on our way toward saner traffic laws built on reason and sound engineering principles -- not the bleatings of Inside-the-Beltway nags with nothing better to do with their time.

Eric Peters is a veteran Washington DC reporter who frequently writes about the impact of automotive regulations on consumers. Readers may contact him at EPeters952@aol.com.

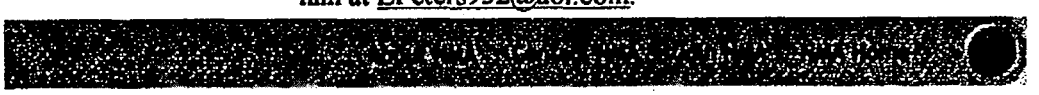


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EXHIBIT 11
DATE 2-5-99
SB 133

Do research on speed limit

So far this year, readers have been deluged with editorials telling us that our governor and attorney general must have a 75 mile an hour daytime interstate speed limit. Highway fatalities are rising and the only answer is this magic law.

I have yet to see any editorial telling us about any research justifying this magic number, and I'm writing to encourage you to do a little basic research in our neighboring state, Wyoming.

I believe you'll find Wyoming's had a 75 mph speed limit for several years now and the Aug. 10 Billings Gazette tells us that so far this year, Wyoming's highway death toll is 20 fatalities higher than it was on the same date last year! Montana's 1998 highway fatalities, on the other hand, seem to be almost equal to last year's fatalities on the same dates.

Wyoming's highways, climate and traffic certainly appear similar to ours. Wyoming has the grand 75 mph speed limit being proposed for us. Wyoming highway fatalities have increased dramatically in spite of their daytime speed limit.

Doesn't this tell us that before we pass a similar limit in Montana, we should see some research showing us that, unlike Wyoming, a speed limit will save lives in Montana? Is there any such research?

Candy Krewer
Billings

HOUSE OF REPRESENTATIVE
ROLL CALL

TRANSPORTATION COMMITTEE

DATE 2-5-99

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Shiell, Chair	✓		
Jore, Rick, Vice Chair Maj.	✓		
Beck, Gary, Vice Chair, Min	✓		
Adams, Darrel	✓		
Barnett, Joe	✓		
Bookout-Reinicke, Sylvia	✓		
Brainard, Matt	✓		
Clark, Robert	✓		
Clark, Paul	✓		
Gallus, Steven	✓		
Golie, George	✓		
Hanson, Marian	✓		
Hedges, Donald	✓		
Juneau, Carol	✓		
Matthews, Gary	✓		
Smith, Frank	✓		
Somerville, Roger	✓		
Trexler, Cliff	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE 2-5-99

BILL NO. SB 133 SPONSOR(S) Sen. Mahl

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
(P) O I	James Olsen	3195 8th Helena MT	for Friends of the Buffalo
P (O) I	Marjorie Kotan	239 Anderson Helena	Self
(P) O I	Sue Akey	2100 11th Helena Ave	AAA Montana
P (O) I	Ray Kuntz	4164 Burnell	Helena MT
P (O) I	Mark Cole	Box 950	Shelby MT
(P) O I	Tom Schneider	Helena	MPA
(P) O I	Bob Anderson	Helena	MSPOA
P (O) I	Margaret C. Hollow	Helena	As it stands
P (O) I	Bob Stover	Gallatin Gateway	J20 Guest Ranch
(P) O I	Steve Bullock	Helena	Dept. of Justice
P (O) I	Curt Laingen	1430 Carter Hel	Mergenthaler T+S
(P) O I	Mary Dye	Helena	MDT
P (O) I	Dan Mergenthaler	Helena	Mergenthaler T+S
P O I	Bob Boyd	Livingston	Bob Boyd Trucking Inc

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE 2-5-99

BILL NO. SB133 SPONSOR(S) Sen. Mohl

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
P O I	BRIAN CAVEY	P.O.Box 1714 Helena	MT Motor Carriers Assoc
P O I	Kelley Hubbard	Helena	MSCA
P O I	Larry Barton	PO Box 5328 Hele	Watkins & Shepard trucking
P O I	Mike Fellows	Helena	MT LP
P O I	Galt Dave	Box 4639 Helena	MDT/MCS
P O I	CRAIG REAP	2550 Prospect	Helena MHP/DOJ
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
56th LEGISLATURE

TRANS COMMITTEE

WITNESS STATEMENT

Please Print

NAME Mark Cole BILL NO. SB133

ADDRESS Shelby DATE 2-5-99

WHOM DO YOU REPRESENT? Ford Motor Co

SUPPORT _____ OPPOSE ✓ AMEND _____

COMMENTS: _____

W:\DATA\WP\WITNESS.95

HOUSE OF REPRESENTATIVES
56th LEGISLATURE

Trans COMMITTEE

WITNESS STATEMENT

Please Print

NAME Ray Kuntz BILL NO. SB 133

ADDRESS Helena DATE

WHOM DO YOU REPRESENT? Watkins Shepard Trucking

SUPPORT ____ OPPOSE ✓ AMEND ____

COMMENTS:

W:\DATA\WP\WITNESS.95

Tape 1 Side A 4.8 speed

LEGISLATIVE TAPE LOG

COMMITTEE: Transportation (1)

DATE: 2-5-99

MINUTES	CONTENT NOTES
0.3-16.5	Hearing on SB 133 - Senator Arnie Mohl, SD 39, Sponsor
16.5-20.5	Pro: Rep. Hal Harper, HD 52, Helena
20.5-25.1	Steve Bullock, Dept. of Justice
25.1-27.1	Margaret Hallam, Helena Exhibit 1
27.4-30.5	Col. Craig Reap, Chief, MHP Exhibit 2
30.5-33.2	Mick Robinson, Rep. Gov. Racicot
33.2-39.4	James Olson, Friends of the Bitterroot, Exhibit 3
39.4-41.1	Marv Dye, Dept. of Trans.
41.1-41.7 Side B 0.1-2.3	Bob Stoner, Gallatin Gateway
2.3-4.6	Marge Johnson, Helena

LEGISLATIVE TAPE LOG

COMMITTEE: Tape 1 Side B — Transportation (2)

DATE: 4.8 speed — 2-5-99

MINUTES	CONTENT NOTES
4.6 - 5.1	Kelley Hubbard, Helena, MSCA
5.1 - 6.7	Bob Anderson, Helena, MSPOA
5.7 - 10.3	Rep. Robert Clark, HD 8
10.3 - 11.8	Rep. Hedges, HD 97
11.8 - 15.6	Opponents: Mark Cole, Dick Anderson Trucking Firm, Shelby, Exhibit 4
15.6 - 21.9	Ray Hunt CEO, Watkins - Shepard Exhibit 5
21.9 - 25.5	Brian Carey Ex V. Pres. Mont. Motor Carriers, Exhibits 6 & 7
25.5 - 26.9	Larry Barton, Watkins - Shepard
26.9 - 28.1	Dan Mergenthaler, Transfer & Storage
28.1 - 35.2	Bob Boyd, Trucking, Exhibit 8

LEGISLATIVE TAPE LOG

Type 1
COMMITTEE: Side B Transportation (3)

DATE: 4.8 speed 2-5-99

MINUTES	CONTENT NOTES
35.2 - 38.7	Mike Fellows, Mt. Libertarian Party, Missoula
0.1 - 0.2 Type 2 Side A	
0.2 - 1.7	Questions from Comm. Members: Rep. Bookout to Ray Kuntz
1.7 - 3	Rep. Somerville to Steve Bullock
3 - 5.1	Rep. Hanson to Sen. Mohl
5.1 - 6.7	Rep. Brainard to Col. Reap
6.7 - 8.5	Rep. Brainard to Sen. Mohl
8.5 - 10.2	Rep. Barnett to Sen. Mohl
10.2 - 12.4	Rep. Beck to Brian Carey & Sen. Mohl
12.4 - 14.4	Rep. Bookout to Col. Reap
14.4 - 20.4	Rep. Smith to Sen. Mohl & Dave Fisk

LEGISLATIVE TAPE LOG

Type 2
COMMITTEE: Side A Transportation (4)

DATE: Speed 4.8 2-5-99

MINUTES	CONTENT NOTES
20.4-21.1	Rep Anderson to Dave Galt
21.1-23.1	Rep. Barnett to Col. Reap
23.1-25.2	Rep. Brainard to Col. Reap
25.2-29.4	Rep. Anderson to Sen. Mohl & Dave Galt
29.4-31.8	Rep. Brainard to Sen Mohl
31.8-33.3	Rep. Gallus to Col. Reap
33.3-36.6	Rep. Bookout to Sen. Mohl
36.6-39.3	Rep. Barnett to Sen. Mohl
39.3-44.1	Rep. Brainard to Col Reap & Bob Clark
44.1-44.7 Type 2 0.1-4.7 Side B	Closing on SB 133 by Sen. Mohl

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SHIELL ANDERSON**, on February 10, 1999 at 3:30 P.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Gary Beck, Vice Chairman (D)
Rep. Rick Jore, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Barnett (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Paul Clark (D)
Rep. Robert C. Clark (R)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Marian Hanson (R)
Rep. Donald L. Hedges (R)
Rep. Carol C. Juneau (D)
Rep. Gary Matthews (D)
Rep. Frank Smith (D)
Rep. Roger Somerville (R)
Rep. Cliff Trexler (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 450; HB 439; HB 436; HB 467**
2/8/99

John Blacker, Administrator, Maintenance Division, Department of Transportation. **EXHIBIT(11)**
{Tape : 1; Side : B; Approx. Time Counter : 6.7 - 9.5}

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Brainard closed the Hearing on HB 439.
{Tape : 1; Side : B; Approx. Time Counter : 9.5 - 12.6}

HEARING ON HB 467

Sponsor: Rep. Chase Hibbard, HD 54.
{Tape : 1; Side : B; Approx. Time Counter : 12.6 - 16.5}

Proponents: Arnie Olsen, Chief of Operations, Department of Fish, Wildlife & Parks. **EXHIBIT(12)**
{Tape : 1; Side : B; Approx. Time Counter : 16.5 - 18.8}

Doug Abelin, Montana Trail Vehicle Riders' Association.
{Tape : 1; Side : B; Approx. Time Counter : 18.8 - 21.3}

Linda Stoll, Montana Wilderness Association.
{Tape : 1; Side : B; Approx. Time Counter : 21.3 - 23.9}

Ken Hoovestol, Montana Snowmobile Association.
{Tape : 1; Side : B; Approx. Time Counter : 23.9 - 24.3}

Opponents: None

Informational Testimony: Maggie Pittman, Legislative Affairs Coordinator for Montana, U.S. Forest Service. **EXHIBIT(13)**
{Tape : 1; Side : B; Approx. Time Counter : 24.3 - 25.5}

Questions from Committee Members and Responses: Rep. Hanson to Rep. Hibbard, Maggie Pittman.
{Tape : 1; Side : B; Approx. Time Counter : 25.5 - 27.3}

Closing by Sponsor: Rep. Hibbard closed the Hearing on HB 467.
{Tape : 1; Side : B; Approx. Time Counter : 27.3 - 28.2}

Rep. Anderson conducted the meeting at this point.

EXECUTIVE ACTION ON SB 133

Motion: **REP. GOLIE** moved that **SB 133 BE CONCURRED IN.**
{Tape : 1; Side : B; Approx. Time Counter : 28.2 - 30}

Motion: **REP. GOLIE** moved that **SB 133 BE AMENDED with the Harper Amendment.** (01)
{Tape : 1; Side : B; Approx. Time Counter : 30 - 31}

Discussion: Reps. Matthews, Golie, Leanne Kurtz, Juneau, Hanson, Matthews, Adams, Bob Clark, Gallus, Barnett, Brainard, Beck, Hedges, Smith, Anderson.
{Tape : 1; Side : B; Approx. Time Counter : 31 - 41.1}
{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 5.4}

Vote: The Golie amendment carried 12 - 6 with Reps. Anderson, Jore, Beck, Adams, Hanson and Matthews voting no.
{Tape : 2; Side : A; Approx. Time Counter : 5.4 - 6.3}

Motion: **REP. BOB CLARK** moved that **SB 133 BE AMENDED.** (02)
{Tape : 2; Side : A; Approx. Time Counter : 6.3 - 8.5}

Discussion: Leanne Kurtz, Reps. Bob Clark, Beck, Col. Craig Reap.
{Tape : 2; Side : A; Approx. Time Counter : 8.5 - 16.8}

Vote: Motion on the Robert Clark amendment carried 17 - 1 with Rep. Jore voting no.
{Tape : 2; Side : A; Approx. Time Counter : 16.8 - 17}

Discussion: Rep. Trexler.
{Tape : 2; Side : A; Approx. Time Counter : 17 - 18}

Motion: **REP.BOB CLARK** moved that **SB 133 BE CONCURRED IN AS AMENDED.**
{Tape : 2; Side : A; Approx. Time Counter : 18 - 18.2}

Motion: **REP. TREXLER** moved that **SB 133 BE AMENDED.**
{Tape : 2; Side : A; Approx. Time Counter : 18.2 - 18.3}

Discussion: Reps. Bookout-Reinicke, Brainard, Somerville, Trexler, Anderson, Bob Clark to Senator Mohl, without objection, Gallus to Dave Galt, without objection, Hanson, Jore.
{Tape : 2; Side : A; Approx. Time Counter : 18.3 - 30.5}

Vote: Motion on Trexler amendment failed 4 - 13.
{Tape : 2; Side : A; Approx. Time Counter : 30.5 - 32}

Motion: **REP. GOLIE** moved that **SB 133 BE AMENDED.**
{Tape : 2; Side : A; Approx. Time Counter : 32 - 32.5}

Discussion: Leanne Kurtz, Reps. Somerville, Anderson, Robert Clark, Adams, Gallus, Hanson, Hedges, Barnett, Beck, Jore, Trexler.
{Tape : 2; Side : A; Approx. Time Counter : 32.5 - 41.4}

Vote: Motion on the Golie amendment failed 3 - 14.
{Tape : 2; Side : A; Approx. Time Counter : 41.4 - 41.8}

Discussion: Reps. Golie, Anderson to Col. Reap.
{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 2.4}

Motion: **REP. ANDERSON** moved that **SB 133 BE AMENDED.**
{Tape : 2; Side : B; Approx. Time Counter : 2.4 - 3.9}

Discussion: Reps. Anderson, Hanson, Brainard, Beck, Somerville.
{Tape : 2; Side : B; Approx. Time Counter : 3.9 - 6.6}

Vote: Anderson amendment carried 15 - 2 with Reps. Robert Clark and Trexler voting no.
{Tape : 2; Side : B; Approx. Time Counter : 6.6 - 6.8}

Motion/Vote: **REP. HANSON** moved that **SB 133 BE CONCURRED IN AS AMENDED.** Motion carried 11-7 with Reps. Jore, Adams, Barnett, Brainard, Hanson, Matthews and Trexler voting no.
{Tape : 2; Side : B; Approx. Time Counter : 6.8 - 7.1}

EXECUTIVE ACTION ON HB 329

Motion: **REP. BOB CLARK** moved that **HB 329 DO PASS.**
{Tape : 2; Side : B; Approx. Time Counter : 7.1 - 10.4}

Discussion: Rep. Juneau to Leanne Kurtz, Reps. Somerville, Adams, Jore, Barnett, Trexler, Beck, Brainard, Anderson, Hanson, Robert Clark.
{Tape : 2; Side : B; Approx. Time Counter : 10.4 - 22.3}

Vote: The **DO PASS** motion failed 8 - 10 with Reps. Anderson, Jore, Adams, Barnett, Brainard, Gallus, Golie, Hedges, Matthews and Trexler voting no.
{Tape : 2; Side : B; Approx. Time Counter : 22.3 - 23.5}

EXECUTIVE ACTION ON HB 467

Motion: **REP. BOOKOUT-REINICKE** moved that **HB 467 DO PASS.**
{Tape : 2; Side : B; Approx. Time Counter : 23.5 - 25.1}

AN ACT ENHANCING THE PUBLIC SAFETY ON MONTANA ROADWAYS BY IMPOSING SPEED LIMITS ON FEDERAL-AID INTERSTATE AND OTHER PUBLIC HIGHWAYS OF THE STATE; IMPOSING A SPECIAL SPEED LIMIT ON U.S. HIGHWAY 93; ELIMINATING THE FUEL CONSERVATION SPEED LIMIT; INCREASING NIGHTTIME SPEED LIMITS; ALTERING THE SPEED LIMITS LOCAL AUTHORITIES CAN SET; ESTABLISHING A PENALTY SCHEDULE AND PROVIDING MISDEMEANOR PENALTIES FOR VIOLATIONS; PROVIDING THAT CERTAIN VIOLATIONS DO NOT COUNT AGAINST A DRIVER'S RECORD AND CANNOT BE USED TO INCREASE INSURANCE PREMIUMS; CHANGING THE METHOD BY WHICH TRUCKS ARE RATED FOR SPEED LIMIT PURPOSES; AMENDING SECTIONS 7-14-2113, 61-8-303, 61-8-309, 61-8-310, 61-8-312, AND 61-11-203, MCA; REPEALING SECTIONS 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, AND 61-11-103, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2113, MCA, is amended to read:

"**7-14-2113. County authority to establish speed limits.** A board of county commissioners may, by ordinance, establish a special speed limit in accordance with ~~61-8-306 and~~ 61-8-310 on any county road."

Section 2. Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions ~~-- basic rule~~.** (1) ~~A~~ Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle subject to the speed limits imposed in subsection (1) traveling on a two-lane road may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) Subject to the maximum speed limits set forth in subsections (1) and (2), a person ~~operating or driving~~ shall operate a vehicle ~~of any character on a public highway of this state shall drive the vehicle~~ in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and ~~proper~~ prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, ~~condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead~~ visibility, weather, and roadway conditions. ~~The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.~~

~~(2)~~(5) When no special hazard exists that requires lower speed for compliance with ~~subsection~~ subsections (1) and (2), the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of ~~the following limits~~ 25 miles an hour in an urban district is unlawful:

~~(a) 25 miles per hour in an urban district;~~

~~(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour~~.

~~(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.~~

(6) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

~~(4)~~(7) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and~~

~~going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition.~~"

Section 3. Penalty for violation of speed limits -- no record for certain violations. (1) Subject to subsection (2), a person violating the speed limit imposed pursuant to [section 2] is guilty of a misdemeanor and shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
$20	1 - 10 (daytime)
20	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31 +

(2) A violation of a speed limit imposed pursuant to [section 2] may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(a) 10 miles an hour during the daytime; or

(b) 5 miles an hour during the nighttime.

Section 4. Section 61-8-309, MCA, is amended to read:

"**61-8-309. Establishment of special speed zones.** (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location, or ~~any other part~~ on a segment of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the

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commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. The list ~~must be completed by October 1, 1997, and~~ must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a statewide speed limit."

Section 5. Section 61-8-310, MCA, is amended to read:

"61-8-310. **When local authorities may and shall alter limits.** (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than ~~55~~ 65 miles ~~per~~ an hour

during the nighttime;

(c) decreases the limit outside an urban district, but not to less than ~~15~~ 35 miles ~~per~~ an hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

Section 6. Section 61-8-312, MCA, is amended to read:

"**61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles~~, and vehicles towing housetrailers~~.** (1) ~~A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000 pounds, at a speed greater than 65 miles an hour~~ Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

(a) ~~those~~ completed sections of interstate is 65 miles an hour; and

(b) four-lane divided highways and ~~60 miles an hour on those~~ completed sections of primary and

secondary highways is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in [section 2]. ~~However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.~~

(2) ~~A person may not operate~~ Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) ~~at a speed greater than~~ is 55 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

~~(4) A person may not operate a vehicle that is towing a housetrailer at a speed greater than a maximum of 50 miles an hour.~~"

Section 7. Section 61-11-203, MCA, is amended to read:

"**61-11-203. *Definitions.*** As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle ~~which~~ that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in [section 3(2)], 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle."

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 3].

Section 10. Repealer. Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed.

Section 11. Effective date. [This act] is effective May 28, 1999.

- END -